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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PEASE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
October 14, 1999.

I hereby appoint the Honorable EDWARD A. PEASE to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Charles Wright, The International Foundation, Washington, D.C., offered the following prayer:

Let us pray.

Lord God, our Forefathers often called You the God of Providence, living, helpful, within reach. Be present with the House of Representatives today. I pray You would give to the Members courage and insight, give them patience with each other.

Lord God, before the demands of the day threaten to take over, we turn our hearts to You. You tell us that You give wisdom to those who ask. We ask now. Decisions made here today will affect our Nation and the world. As these Members give themselves to these great tasks, we also pray for blessing and protection on their homes, their families.

I pray this in the name of the Lord who is today living, helpful, and within reach.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. FRANKS) come forward and lead the House in the Pledge of Allegiance.

Mr. FRANKS of New Jersey led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 356. An act to provide for the conveyance of certain property from the United States to Stanislaus County, California.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1000. An act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1000) ''An Act to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints from the Committee on Commerce, Science, and Transportation: Mr. MCCAIN, Mr. STEVENS, Mr. BURNS, Mr. GORTON, Mr. LOTT, Mr. HOLLINGS, Mr. INOUYE, Mr. ROCKEFELLER, and Mr. KERRY; and from the Committee on the Budget for the consideration of title IX of the bill: Mr. DOMENICI, Mr. GRASSLEY, Mr. NICKLES, Mr. LAUTENBERG, and Mr. CONRAD, to be the conferees on the part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minute requests per side.

LOCKING UP AMERICA'S FORESTS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the President decided to lock up the Nation's forests and hand the keys to a group of Washington bureaucrats. With this move the President essentially told the American people that they are no longer welcome or able to use and enjoy and recreate on their land, the very land that their forefathers fought and died for. With this move the President has said to the millions of disabled Americans that they would no longer be able to visit and enjoy our national forests as well.

This land does not belong to the Federal Government. This land belongs to the American people. The only role that the Federal Government has is to manage it. The President has essentially taken our constituents, the public, and this Congress out of the decision process.

Mr. Speaker, if the President's big government initiative goes through, it would effectively bar the majority of the American public from visiting and enjoying their beautiful forests. It seems this administration cannot see the forest through the trees.

Mr. Speaker, I yield back the balance of my time and the administration's lack of common sense.

SLASH AND BURN SPENDING CUTS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, I rise today to call attention to the actions of the House leadership. The Republicans cannot make the tough choice on government spending, so they have resorted to across-the-board spending cuts. It is a slash-and-burn budget cutting, and this will fall squarely on the backs of seniors and children, the most vulnerable members of society. That means cutting food and education programs to poor children and destroying Meals on Wheels for home-bound seniors. The programs that have been so successful in empowering our citizens to succeed like Head Start and Gear Up and adult literacy programs are slashed or gone entirely.

Mr. Speaker, the Republicans have missed their budget deadline. They have busted the budget caps, all the while claiming to be fiscally responsible, and they are spending the Social Security surplus, more than $19 billion of it.

So now we must judge them by their actions, or in this case, their gimmicks, calling the census an emergency, or adding a thirteenth month to the calendar year. This is not the kind of leadership the American people need and deserve from their elected representatives.

WHAT A DIFFERENCE A CONSERVATIVE CONGRESS MAKES

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my colleague from California. It seems that mediscare and school lunches are back. My colleagues remember that from 1996, do they not? The spurious threat and the out and out untruths propagated by the left in their sole attempt, in their desperate attempt, to regain political power.

Certainly, Mr. Speaker, we can all agree that there is enough waste, fraud and abuse in these Washington-run programs that government can be run more efficiently and dare I say more compassionately, not by kowtowing to the interests of the labor bosses within government, but instead looking for true limited and effective government as Thomas Jefferson sought.

While facts are stubborn things, we would simply point out to my friends on the left that throughout their time and the last time they were in control of this House they spent all of the Social Security surplus, they gave us the largest tax increase in American history, and they sunk us deeper into debt.

My, what a difference a common sense, conservative Congress makes.

EVERYBODY HAS NUKES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China and Russia have nukes; India and Pakistan have nukes; Russia, Iran, and North Korea have nukes. Everybody has nukes. It is so bad, reports now say that McDonald's is developing the McNuke.

I ask, Mr. Speaker, what good is a nuclear test ban if every crackpot in the world keeps building nuclear weapons?

Beam me up here.

I say be careful, Congress, because America will abide by any nuclear test ban, but those crackpots throughout the world will not, and I tell my colleagues this: we can build them, but do not shoot them. Save that for the tooth fairy.

I yield back all those mad scientists with carpel funnel.

WAIVE DAVIS-BACON FOR CLEAN-UP EFFORTS FROM HURRICANE FLOYD

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, in 1992, after the Hurricane Andrew hit south Florida, President Bush suspended the Davis-Bacon law with regard to the clean-up and rehabilitation work receiving funds. President Clinton revoked that suspension when he got into office, so it never really was tested to see whether it would help get clean-up work done quicker and cheaper. I have been pushing President Clinton to waive the Davis-Bacon Act for clean-up efforts in Hurricane Floyd in my State of North Carolina and elsewhere and even sent him a letter signed by many Members of the House.

Waiving Davis-Bacon would not only save scarce Federal resources, but it would also save time in getting contractors out and create job opportunities for those in need of work. Unfortunately, I do not think I am going to get this administration to agree with me, even though it could save our taxpayers millions of dollars.

REFORM OF THE BROAD BAND POLICY

(Mr. BALDACCI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALDACCI. Mr. Speaker, I rise today to encourage my colleagues to continue the debate on broad band issues. It is vital, especially in rural areas in the country such as States like Maine that there exists a competitive environment for opening up high-speed information services. I have cosponsored legislation on this important issue and hope that we move to initiate to open up the market in data markets throughout the country and also in Maine. If we encourage high-speed Internet connections to multiply, rural areas that are currently left out of this market will benefit. It will increase consumer choices and will assure the Internet will quickly advance technology, allowing more and better interactive media, high-speed data and video systems.

It is my hope with full Internet access we will enable rural States like Maine to compete on a more equal footing in the economic sphere and enhance the quality of life for all of our citizens. Advancing such economic opportunities is one of the most important things that we can do as Members of Congress. I encourage my colleagues to work towards reform of the broad band policy.

SUPPORT MARTA BEATRIZ ROQUE AND THE CUBAN PEOPLE, NOT THE CASTRO DICTATORSHIP

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to once again underscore the subjugation of the Cuban people and the widespread persecution of human rights dissidents and opposition leaders. This weekend the Castro regime sought to further torture Marta Beatriz Roque, one of Cuba's four leading dissidents, by moving her to a secret jail, blocking all but one relative from visiting her, and controlling even that access by having state security agents transport and monitor this relative.

Driven by the strength of her convictions and the commitment to give life and limb if necessary, if it furthers the cause of freedom and liberty for Cuba, Marta Beatriz Roque has gone on hunger strikes in defiance of the regime's threats to highlight the flagrant miscarriage of justice and the frequent violations of the rights of the Cuban people. Her uncompromising will stands as a thorn at the side of a regime seeking to hide Marta Beatriz and its brutality from the world.

My colleagues, I ask you to support Marta Beatriz Roque and the Cuban people and not the Castro dictatorship.

REPUBLICANS BALANCING THE BUDGET ON THE BACKS OF THE WORKING POOR

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I met with low-income working families in my district on Monday, and here is what they have to say about the GOP gimmick to delay their tax refund, the earned income tax credit:

My colleagues do not know Christina Quinn, but she says, and I quote, ''My

husband and I budget for all of our bills, and we use the lump sum for things like buying a car because we have no credit. If we got it monthly, it would just be absorbed by the regular bills.''

My colleagues do not know Gina Philips, but she has been using her yearly Federal tax refund to pay off her debts and clear up her credit so she can finally buy a home for herself and her 16-year-old daughter, and my colleagues do not know Jeanette Tilman, who says that Republican leaders in Congress who want to delay payment of the earned income tax credit for working families, and I quote, ''need to walk in our moccasins.''

Yes indeed, the Republican leadership of this House should not try to balance the budget on the backs of the working poor. They ought to heed the words of their presidential standard bearer.

RELIGIOUS FREEDOM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in debates in this body in recent weeks some Members have criticized measures aimed at protecting public religious expressions or allowing participation of faith-based institutions and programs in the public sphere. This argument is not founded in our history or heritage. It does not have its roots in our Constitution, but rather in the criticisms of revisionists who wish the Constitution said something other than what it actually does.

The record, however, is replete with the words and writings of our framers and founders, those who wrote the Constitution, founded our government overwhelmingly about the role of government and religion. Consider the words of John Jay, one of the three authors of the Federalist Papers, the first Chief Justice, U.S. Supreme Court. Jay declared quote:

''It is the duty of all wise, free and virtuous governments to countenance and encourage virtue and religion,'' end quote.

The third chief justice, Oliver Ellsworth, echoed this by saying quote:

''Institutions for the promotion of good morals are objects of legislative provision and support among these religious institutions.''

Mr. Speaker, let us get back to our roots.

BAN ON NUCLEAR PROLIFERATION MAKES GOOD SENSE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, the American people were hoping that good sense and good judgment would prevail, that all of us recognize that in this time of peace with our allies begging for consensus and collaboration that we would have accepted and responded to the requests for a ban on nuclear proliferation; but unfortunately in the quagmire of partisan politics and the insult and the back drop of allegations and accusations about old stories of impeachment, we fell before the cause and failed to take up what most Americans realize is good sense, the ban on nuclear proliferation. We only have to look to Japan and see the recent accident tragically where there was exposure to radiation and nuclear activity.

□ 1015

We see how damaging it can be, when our allies write letters and plead for our consensus and collaboration and we laugh in their face. What an insult, not to our allies, but to us. Shame on us, shame on America. When are we going to understand that partisan politics has to be put aside for the good of the world.

NAVY IN VIOLATION OF U.S. CODE REGARDING WEAPONS STATION EARLE

(Mr. FRANKS of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of New Jersey. Mr. Speaker, I recently learned of an attempt by the U.S. Navy to radically change the role of Weapons Station Earle in my home State of New Jersey. I was outraged that the Navy is making this decision without consulting the State of New Jersey, the New Jersey Congressional delegation, or the House Committee on National Security.

Today, I intend to introduce a resolution which would call on the Navy to cease its illegal realignment of Navy Weapons Station Earle. It is clear by a review of their own material that the Navy is in direct violation of section 2687 of Title 10 of the United States Code.

It is essential that the Navy abide by the law and that the appropriate congressional committees have the opportunity to review and evaluate the operational, budgetary, strategic, and local economic impact of such a realignment.

I am prepared to bring suit against the United States Navy if they continue to pursue the realignment of forces at Navy Weapons Station Earle, in direct violation of BRAC.

FAILURE TO RATIFY COMPREHENSIVE TEST BAN TREATY IS RECKLESS AND DENIES U.S. LEADERSHIP IN FIGHT AGAINST NUCLEAR PROLIFERATION

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, the Republicans in the Senate are strutting around as if they have done something. TRENT LOTT and JESSE HELMS, our Nation's chief diplomats, have put this planet on notice that when it comes to nuclear testing, America would become the world's cheerleader.

Now, we know that this Republican Congress just loves to play the game of brinkmanship. Using the guise of fighting for Republican budget priorities, Newt Gingrich showed that he did not care about taking the whole country into the abyss with him as Republicans threw the whole government into shutdown chaos.

To fail to ratify the Comprehensive Test Ban Treaty is not just reckless, it denies U.S. leadership in the fight against nuclear proliferation. We have no moral or legal ground to stand on should any rogue state like North Korea or Afghanistan decide to go nuclear.

Unfortunately, the Senate Republicans do not seem satisfied with America in the abyss. It seems now they want to take the whole world there with them.

PATTING OURSELVES ON THE BACK

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I came here; I said it was time to balance the budget. That was a dream. We said, though, in 1995 when the Republicans took over, we would do it in the year 2002, by then.

I think we need to say it and resay it; we need to take credit for it; we need to pat ourselves on the back. We have done what is right. And we are going to balance the budget this year, not using Social Security; and we are going to have a $1 billion surplus. That is well ahead of our goal of 2002. Not since 1960 has that happened.

So I say, take credit for the good work that we are doing here in Congress. The leadership of this House under Speaker HASTERT has led us to the point where we can proudly hold our heads up and say we are using the resources that the American people give us in a wise and proper way.

TIME TO PUT AMERICA'S CHILDREN FIRST

(Mr. WU asked and was given permission to address the House for 1 minute.)

Mr. WU. Mr. Speaker, classes have been in session in my home State of Oregon for about a month and a half now, and we are still engaged in budget fights here that will determine the quality of education in States across America and for children across America.

About 70 percent of schoolchildren in the Portland metropolitan area in grades K through 3 are in class sizes

above ideal. Many high schoolers are in class sizes of 40 or 50 in Portland. Across the congressional district that I represent, there are inadequate facilities.

We need to fight strongly to reduce class size by adding 100,000 additional qualified teachers across America. That would bring about 2,500 teachers to my home State of Oregon. We need to modernize school facilities so that teachers have a place to teach and students have a place to learn.

In this budget fight, we need to put the interests of America's children first.

STRONG NATIONAL DEFENSE TRUMPS UNVERIFIABLE TEST BAN TREATY

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, today's headlines are filled with two stories of great importance to our national interest and security. In the first, we learn that a military coup overturned the government of Pakistan, who has nuclear weapons.

In the second, we see the other body voted against ratifying the Comprehensive Test Ban Treaty. The Senate deserves our thanks for their correct and courageous vote to defeat the Comprehensive Test Ban Treaty.

The President and the liberals did their very best to convince the American people to rely on an unverifiable treaty for security. As we already know, the Chinese Communists have stolen the technology they need to skirt this test ban. If they have the technology, there is no doubt that the rogue nuclear powers such as North Korea and Iraq will have it as well.

A better solution lies in a strong national defense. We recently have had successful tests of both strategic and theater systems. We need to move forward with enhanced testing and deployment.

It is time to move beyond unverifiable treaties as the answer to our defense needs.

GO YANKEES, GO METS—BUT WHO TO ROOT FOR?

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, this is an exciting time for baseball fans in New York. For the first time since the 1950s, we have a very real chance to have a subway series. In the 1950s, the Brooklyn Dodgers and the New York Giants baseball team routinely played the New York Yankees in the subway series, and now we have a real chance for the New York Mets and the New York Yankees to play each other in the subway series.

I know there are some naysayers out there who are saying well, the Mets lost the first two games, so things do not look very well. But I want to remind everybody that in 1986, the world champion New York Mets also lost the first two games of the world series.

As a Bronx boy who represents the Bronx, who grew up within walking distance of Yankee stadium, I am very, very proud of the Yankees; and I have a bet with my good friend, the gentleman from Massachusetts (Mr. MARKEY), on the Boston-Yankees playoffs game.

We are very, very happy in New York. We look forward to a World Series between the New York Yankees and the New York Mets, and I will worry about who to root for when that happens.

Go Yankees; go Mets. 1999 is the year.

THE PROMISE OF TELEMEDICINE

(Mr. OSE asked and was given permission to address the House for 1 minute.)

Mr. OSE. Mr. Speaker, I recently rose in support of the Thompson amendment calling for a comprehensive study of telemedicine as a method of delivering timely, quality health care, particularly in rural districts like mine.

Today, I wish to discuss a vital component of telemedicine, and that is the Internet, but not the Internet of old and not the Internet of the ''worldwide wait.'' No, Mr. Speaker, I refer to an Internet built on a foundation of high-speed technologies that will enable transmission of vast amounts of data in real-time. Physicians will then have the ability to transmit medical images to radiologists anywhere in the country for interpretation. Patients will have the option of remaining home and having their daily readings checked without traveling all the way to the doctor's office, often a substantial distance from home.

These are but two examples of telemedicine's promise. Congress should take the steps necessary to ensure that these technologies are developed and deployed swiftly. Our constituents deserve nothing less.

A VERY SAD DAY FOR AMERICA

(Mr. MCDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCDERMOTT. Mr. Speaker, this is a sad day for this country. Santayana said, ''Those who fail to learn from history are doomed to repeat it.'' Yesterday, we saw what was, in my view, a very important event. The United States Senate said, we do not care who tests or how much testing there is done in the world. It is the same group that sanctimoniously came out here and said, we will put sanctions on anybody who blows off a bomb. So when India and Pakistan got into that last year, we said, oh, this is awful, this is terrible. But when the time comes to say, let us stop it, they say no.

Now, it is a sad day, in my view, when the United States steps back from leadership in the world. The last time we voted down a treaty was the Treaty of Versailles. We did not join the League of Nations. And what happened? We had the Second World War.

When we in this country refuse to take our leadership role and say, we will not test and no one else should test, we abrogate our leadership in the world. It is a very bad day for America.

AMERICANS DESERVE SOCIAL SECURITY LOCKBOX

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, this Republican Congress has stopped the raid on Social Security.

The Congressional Budget Office projected this week that in fiscal year 1999, for the first time in 30 years, not one penny of the Social Security surplus was spent. Now, it is our duty to prevent the raid from ever happening again.

Mr. Speaker, 140 days ago, Republicans and Democrats in the House joined together to pass a Social Security lockbox, which protects Social Security from being spent on unrelated programs. Senate Republicans have attempted to bring this bill to the Senate Floor seven times, and on seven occasions, the measure was blocked from even being considered by a straight party line vote.

Mr. Speaker, American seniors deserve more from Senate Democrats and President Clinton. They deserve a Social Security lockbox.

WHITE HOUSE DESTROYS ACCESS TO NATIONAL FORESTS WITH THE STROKE OF A PEN

(Mrs. CHENOWETH-HAGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHENOWETH-HAGE. Mr. Speaker, yesterday the President, with the stroke of a pen, set aside 41 million acres, 41 million acres that humans will no longer have access to as they have known in the past because he is closing the roads and, in essence, putting up signs that almost say ''no trespassing'' to humans. That means hunters, that means campers, loggers, people who have traditionally gone into the woods to pick berries, to enjoy family outings, photographers, ranchers, Americans who enjoy our national forests.

Mr. Speaker, 41 million new acres can no longer be accessed by most Americans. Only the young and fit who are able to hike in wilderness conditions will be able to access our forests. With the stroke of a pen.

Mr. Speaker, what this does is actually destroys our forests and families and communities. This has a real

human face on it, and it is a big problem.

BP AMOCO AND GM—PARTNERSHIP FOR CLEANER FUELS

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, starting today, the men and women and children of Chicagoland can breathe easier, thanks to the innovative and cooperative efforts of BP Amoco and General Motors. These two responsible corporate citizens today will announce that cleaner burning, low-sulfur gasoline will be distributed by Amoco and BP service stations throughout the Chicagoland area.

The resulting emissions reductions will be equivalent to removing 70,500 cars from Chicagoland's highways each day. That is more than three times the number of cars that enter Chicago on the Kennedy Expressway each day during the morning rush hour.

BP Amoco and GM are not waiting for government mandates, they are not waiting for consumer demand, they are not waiting for someone else to take the lead, and they are not waiting for air quality in Chicago to get better on its own. To top things off, BP Amoco will continue to use ethanol in the Chicagoland area. They have chosen to support the farmers of America's heartland while improving the air quality of our cities.

Thanks to their innovative corporate partnership, BP Amoco and General Motors are working to address air quality issues using new and creative approaches.

□ 1030

PRAISING SENATE REPUBLICANS FOR VOTING TO TURN DOWN THE TEST BAN TREATY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Speaker, we have heard this morning individuals from the other side of the aisle criticize turning down the nuclear test ban treaty over in the Senate.

I am disappointed that there was partisanship on the part of the Democrats, that all those Democrats in the Senate voted for that test ban treaty, despite the fact that six former Secretaries of Defense urged the Senate to vote it down, four former Secretaries of Energy urged the Senate to vote it down, four former CIA directors urged the Senate to turn it down; (that includes two of the directors in the CIA appointed by President Clinton, Jim Woolsey and John Deutch), two former national security advisers, urged the Senate to turn it down; four former chairmen of the Joint Chiefs of Staff, and former Secretary of State Henry Kissinger called the Senate saying it was going to tremendously jeopardize the security of this country if they voted for it.

I think, Mr. Speaker, it is important that as we look at all this expert advice and all of the additional retired generals and admirals that have come forward urging a ''no'' vote, there is no question in my mind, we have done this country a security favor by turning down this particular test ban treaty. Good going, Senate Republicans, for doing what is right.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). All Members are reminded that they are to refrain from characterizing the actions of the Senate.

THE EDUCATION OF OUR CHILDREN IS CRITICAL TO AMERICA'S FUTURE

(Mr. ROYCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROYCE. Mr. Speaker, in my view, nothing is more important to the future of this country than the education of our children. Our kids are going to be the future doctors, the future scientists. They are going to be our future leaders. As such, we want to assure that they have the best education possible.

This comes down to a question of who knows best how to develop that curriculum. Who should be developing that curriculum? Should it be the teachers? They are in the classroom. Or should it be some bureaucrat miles and miles away? Should it be some bureaucrat in Washington, D.C. that develops that curriculum?

The Federal Government today operates 760 Federal education programs, 39 different Federal education agencies. This is $100 billion that we spend on education. Yet, public education for some reason is worse than it was 20 years ago. It is worse.

We can improve education by shifting decision-making power towards principals, teachers, parents, and people who have a direct impact on learning. That is why I am pleased to have cosponsored the Dollars to the Classroom resolution, which urges the Department of Education to spend 95 percent in the classroom.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 328 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 328

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes. All points of order against the conference report and against consideration are waived. The conference report shall be considered as read.

SEC. 2. House Resolution 300 is laid on the table.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the distinguished ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 328 is a rule providing for the consideration of the VA–HUD conference report which provides funding in fiscal year 2000 for the Department of Veterans Affairs, the Department of Housing and Urban Development, and the Environmental Protection Agency, among other programs.

The rule waives all points of order against the conference report and against its consideration.

Mr. Speaker, today, with the passage of this rule and the VA-HUD conference report, Congress will be one step closer to meeting our budget goals for the year 2000; namely, maintaining a balanced budget without raiding the social security trust fund to pay for it.

We have fought long and hard to achieve a balanced budget by making the tough decisions necessary to reduce Federal spending, shrink the size of government, and reform Federal programs.

It has not been easy, change never is, but our work has met with success, which has emboldened our cause. Just this week the Congressional Budget Office reported that in fiscal year 1999, for the first time in 40 years, we experienced a true budget surplus, without touching a dime of the social security trust fund.

That means that we have transitioned from a pattern of deficit spending to a new era of balanced budgets, and now to a more honest method of budgeting that really places social security off limits.

Mr. Speaker, we have turned a corner, and it is no time to look back. Today Congress will continue down this path of fiscal discipline and integrity as we consider the VA–HUD conference report.

I am pleased to report that this conference report is the product of negotiating and consensus between Congress

and the President, who worked together to come up with adequate funding for a variety of priority programs.

Not only were the levels of funding in the bill agreed to in the spirit of cooperation, but the offsets, which ensured that the bill meets our goals of protecting social security, were also approved on a bipartisan basis.

The VA–HUD conference report reaches a balance by actually reducing spending below last year's level while adding resources to our top priorities, not the least of which is support for our Nation's veterans.

While we can never fully repay the debt we owe to those who were willing to sacrifice their lives for our freedom, it is worth noting that this conference report provides for the largest increase in veterans health care programs in a decade. The $1.7 billion increase the conference report provides will bring spending on veterans health care to a total of $19 billion. That is just for next year.

In addition to helping veterans, this bill addresses the critical housing needs of our most vulnerable populations. For the poor and homeless in our society, the VA–HUD conference report provides an increase of over $2 billion for the Department of Housing and Urban Development.

Housing for our Nation's elderly will see an increase of $50 million over last year. Disabled housing will receive an additional $5 million, and the people living with AIDS who are served by the HOPWA program will see a boost of $7 million.

Moreover, the Housing Certificate Fund, which fully funds Section 8 renewals and tenant protections, is funded at $11 billion, which is significantly more than the President's budget request.

But, funding for HUD is not just about housing. The Department also promotes community development. I am pleased that added to the conference report is $55 million to fund the designated empowerment zones across our Nation.

With the blessing of the Federal Government, these communities have worked to develop strategies to attract investment, revitalize their neighborhoods, and create jobs. But their plans rely on a commitment of assistance by the Federal Government that we should honor. The conference report will help us meet that commitment by providing some $3.5 million for each urban empowerment zone, as well as $15 million in grant money for rural empowerment zones and enterprise community programs.

The VA–HUD conference report also finances the Federal Emergency Management Agency, which it seems we have to call on far too often as our citizens have seen their communities ravaged by hurricanes, floods, or fire.

In times of true emergencies and catastrophic loss, our Federal Government has a responsibility to reach out and help people put their lives back together. The conference report provides $300 million for FEMA, as well as $2.5 billion in emergency disaster relief, which matches the President's request.

At the same time, this legislation addresses the most pressing concerns of those who need our help today. It also invests in future generations through the funding for environmental protection and scientific research. For example, the EPA will receive more funding than the President requested. However, these dollars will be focused on local efforts to address pollution, particularly the States' efforts to ensure clean water and safe drinking water for their citizens. In addition, State Air Grants will be fully funded at the level requested by the President.

When the House first debated the VA–HUD appropriations bill back in August, many Members expressed their concerns about maintaining our commitment to scientific research in our Nation's space program. At that time, the gentleman from New York (Chairman WALSH) made a commitment to working in conference to improve the level of funding for these programs, and he has.

The National Science Foundation will see an increase of $240 million over last year, and NASA will receive more than $13.5 billion, which is $75 million more than the President requested.

Mr. Speaker, all told, this bill is a testament to the commitment this Congress has made to responsible government in the context of a balanced budget. In the case of the VA–HUD conference report, we have achieved these goals on a bipartisan basis with the President's cooperation.

So I hope my colleagues on both sides of the aisle will join me in support of this rule, so we can continue our march towards a responsible, honest Federal budget that keeps our eye on the ball and our hands off of social security.

Mr. Speaker, I urge a ''yes'' vote on the rule and the conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin by thanking my colleagues, the gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) for their very hard work in bringing this conference report to the floor. I also want to congratulate them for putting together such a strong, bipartisan bill.

Although the conference report had a very rocky beginning, I am very happy to see my colleagues on both sides of the aisle manage to come up with a bill that funds so many important programs.

This bill, Mr. Speaker, increases spending for the veterans health care programs by $1.7 billion, the largest increase in 10 years. That is one that is long overdue. Too many of our veterans have not been getting the health care they deserve, but this bill will help change that.

This bill also funds the Environmental Protection Agency, which helps keep our air and water clean, as well as supervising the cleanup of Superfund sites. This bill funds NASA and the International Space Station, and although earlier versions of the bill might have cost the United States its leadership in space exploration, Mr. Speaker, this version of the bill will not. It deserves our full support.

This bill also provides for $2.4 billion in emergency spending to help people recover from Hurricane Floyd, which is still having a very devastating effect in North Carolina.

Finally, Mr. Speaker, this bill will address some of our critical housing needs. It will provide housing for the Nation's elderly and disabled. It will also help modernize our public housing, which is falling into disrepair. Finally, Mr. Speaker, it would fund Section 8 renewals and 60,000 new housing vouchers.

Mr. Speaker, I am especially pleased to see the new housing vouchers. As a youngster, I lived in the country's first public housing, and I know what a tremendous help that can be.

Today we are having a terrible affordable housing shortage, especially in my home city of Boston. Nationwide there are still 5.3 million low-income families who get no housing assistance at all. People who want Section 8 housing have to wait an average of 2 years to get it. These additional funds included in this bill will help put decent housing within the reach of more hard-working American families.

I urge my colleagues to support this rule for the VA–HUD appropriations conference report. This bill keeps our promises to our veterans, it protects our environment, it helps keep roofs over the heads of low-income disabled and elderly Americans, and it helps make repairs after natural disasters, and turn scientific research on the heavens into real answers for today's problems here on Earth.

I thank my colleagues on the VA-HUD conference committee again for their hard work.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to my distinguished colleague, the gentleman from Illinois (Mr. WELLER).

(Mr. WELLER asked and was given permission to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, I rise not only in support of the rule, but also in support of this conference report. I want to commend the gentleman from New York (Mr. WALSH), as well as the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN) for his leadership in putting together a good bill.

I would also like to note that this legislation is historical from a veteran's standpoint. The fact that we are providing $1.7 billion more in funding

for veterans health care this year, historically the largest increase in veterans health care in history, it says that veterans are a priority.

□ 1045

Particularly as our veterans reach retirement age, particularly as so many of our veterans are now World War II and Korea veterans at the age where health care is a greater need, we are making that commitment. I salute the Subcommittee on VA, HUD and Independent Agencies for producing this good bill.

Mr. Speaker, there are a couple of other provisions that I also want to acknowledge and express my appreciation for this House in producing some real results. I represent the south side of Chicago in the south suburbs.

We have a project in this part of Illinois which is so important, not only to residents in the City of Chicago, but the south suburbs because it provides flood relief as well as protects the drinking water of people of Chicago and the entire Chicago metropolitan area. That is the Deep Tunnel Project, a flood control project which prevents, when there is heavy rains and storm water, prevents, frankly, raw sewage from being flushed out into Lake Michigan, which is a source of drinking water.

This House continues to make a commitment to complete this important environmental project. I want to thank the subcommittee for the $5 million that was included to continue development of this project to protect our Lake Michigan drinking water.

Second, I also want to commend this House for overturning the President's recommendation on Federal veterans' nursing home grant funding. The President's budget recommended slashing this important program which provides matching grants to the States to develop and operate nursing homes for our veterans.

I would point out that State homes provide a savings in providing health care. In fact, the State homes for veterans costs about $40 per day per patient, whereas VA nursing care is about $255 a day. So it is a bargain.

The President, in his budget, proposed cutting by more than half this important program. It is currently funded at $90 million. The President proposed cutting it to $40 million.

I am pleased that this House disagreed. I am pleased that this House restored funding for veterans nursing home grants. It is important to States like Illinois.

Illinois has a lot of veterans in need of nursing home care. In fact, in my own district, La Salle Veterans Home has over 200 veterans on a waiting list. Imagine this, if one has a friend or relative, a family member who is in need of nursing home care, and the waiting list is over a year, maybe a year and a half they have to wait in order to have access to this veterans home.

This is good legislation. We restored the funding.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, for yielding me this time. I thank the gentlewoman from Ohio (Ms. PRYCE), chairwoman now of the Committee on Rules who is in place for the chairman in presenting this rule.

I particularly thank the ranking member and the chairman of the Subcommittee on VA, HUD and Independent Agencies. I call this bill relief, R-E-L-I-E-F. I hope that my spelling is correct on the floor of the House, because it does connote relief. I thank them for this very good bill.

Tomorrow I will have the opportunity to speak to a group of my paralyzed veterans. I will be able to give them some relief, particularly with the emphasis on the $11.4 billion for housing, but with special emphasis on veterans health.

If I ever get any questions in my meetings with constituents, invariably there is a veteran there who asks about the care and the health care that is needed for the veterans that are there now and those who will be coming after.

This restoration on the dollars that have been put in this bill for veterans health care is imperative. So I will be able to say to my paralyzed veterans and other veterans that we did not forget them. In my hometown of Houston, there are some 20,000 plus individuals on the waiting list for housing.

I would like to speak a little bit about section 8 housing certificates, the kinds of opportunity that it gives to families who are trying to get a leg up on the ladder of opportunity.

This $11.4 billion for section 8 housing will do a lot to bring down the thousands of those who are on the list waiting for opportunity in housing.

My mayor has committed, and I join him, in increasing the numbers of those who own homes in the city of Houston. We are working on that. We believe in affordable housing. But at this juncture, there are those who are simply waiting for a decent apartment.

Section 8 certificates will give families, single parents with children, grandmothers, and grandfathers raising children the opportunity to live in decent housing. Section 8 is an equalizer. It distributes individuals throughout communities. It creates a sense of neighborhood. I applaud the increase in dollars.

I thought for once that we were going to forget the place that America held in the Space Program of the world, but I am delighted that we have restored the $998.9 million, therefore giving NASA $13.7 billion. If that had not occurred, we would have seen the closing of centers like NASA, Johnson, Huntsville, Kennedy. We would have seen enormous loss of jobs. But more importantly, Mr. Speaker, we would have seen us lose our place in the world stage of space exploration.

I am delighted that AmeriCorps has been funded, the National Science Foundation. This is a bill that provides for the Environmental Protection Agency.

Mr. Speaker, this is a bill that should be passed for we have responded to the needs of the American citizens, and we protected Social Security.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, I rise to thank the gentleman from New York (Mr. WALSH), the chairman of the Subcommittee on VA, HUD and Independent Agencies, for his hard work on this bill and for the results he was able to achieve.

As the gentleman well knows, I have spoken to him a number of times about the importance of science. I have also spoken to many other colleagues and to this Chamber. Scientific research and development is the single biggest factor today in the economic growth of our Nation. If we do not continue to support our scientific and technological enterprise, we are throwing away our economic future. It is just that simple, and it is that stark.

When we look at the world scene, we notice that our spending on basic science, mathematics, engineering and technology research, is declining compared to our gross domestic product. Japan is now ahead of us and increasing their spending in that area. South Korea is coming up fast and has almost surpassed us on a per capita basis, and Germany already is above us as well.

So we are in danger of losing our economic leadership on this planet by virtue of losing our leadership of scientific and technological research. It is very important that we continue that. The gentleman from New York (Chairman WALSH) recognizes that.

Unfortunately, the allocation that was given to him earlier in the year did not permit him to provide full funding for science. But, fortunately, the final allocation was increased; and he did a magnificent job of restoring the funding, not only to the National Science Foundation, which is the key to our research future, but also restoring the funding to the National Aeronautics and Space Administration, better known as NASA.

I just want to thank the gentleman from New York (Mr. WALSH) from the bottom of my heart, and thank him also on behalf of the many scientists, engineers, mathematicians, and technologists in this country for the work that he has done on this budget. It is a magnificent piece of work, in particularly difficult times, and I certainly appreciate it.

I also want to mention a personal interest in terms of clean water activity. We still have a long ways to go in this

country in purifying our water and making it pure. The gentleman from New York has provided appropriate funding for that purpose as well.

In addition, Housing and Urban Development has some wonderful programs. There are some that need cleaning up, but there are some wonderful programs in HUD.

Michigan, in particular, through its Michigan State Housing Development Authority, has done a great deal to provide low-income home ownership opportunities for the people of our State, particularly in my area where we have some faith-based organizations which have developed to take advantage of both MSHDA and HUD funding and have done a magnificent job. I want to especially mention Habitat for Humanity and a local homespun organization we have, the Inner City Christian Federation. The latter has been phenomenally successful.

We have done better at providing home ownership opportunities for low-income individuals than almost anywhere in this country. They are totally dependent on the HUD and MSHDA funding.

I want to thank the gentleman from New York (Chairman WALSH) and the members of the committee for their good work. I urge adoption of the rule and passage of the conference report.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, let me remind my colleagues that this rule is customary for the consideration of appropriations conference reports.

Further, the conference report itself is the product of bipartisan cooperation between the President and the Congress. The White House worked with the conference committee to ensure that its priorities were funded, and the President agreed to the provisions in the bill that ensure its fiscal responsibility.

This bill contains many good things that I know my colleagues can support, including the largest increase in veterans health care spending in a decade, increased funding for numerous housing programs, restored funding for important science programs in NASA, and funding for emergencies and disasters that matches the President's request.

All of this, and still the conference report maintains our commitment to a balanced budget while keeping Social Security off limits. We made the tough decisions. We prioritized, and we have a good work product to show for it.

I can congratulate the gentleman from New York (Chairman WALSH) and all the conferees who made this process work.

I urge support for the rule and the legislation.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WALSH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CONFERENCE REPORT ON H.R. 2684, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000

Mr. WALSH. Mr. Speaker, pursuant to House Resolution 328, I call up the conference report on the bill (H.R. 2684) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 328, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of October 13, 1999, at page H9983.)

The SPEAKER pro tempore. The gentleman from New York (Mr. WALSH) and the gentleman from West Virginia (Mr. MOLLOHAN) each will control 30 minutes.

The Chair recognizes the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is a terrific day to be here, I think, with the results that we have. It has been a remarkable process beginning back in the spring, the hearings over these many, many different and, by definition, sundry departments, lots of priorities with competing needs. I think that the process worked its way through in a very nonpartisan fashion. Mostly, the competition is between the Departments within the bill.

We had wonderful cooperation from the minority. Specifically the gentleman from West Virginia (Mr. MOLLOHAN), the ranking Democrat on the subcommittee, was very, very constructive and very, very helpful all the way along, not only in helping us establish priorities, but in getting votes to pass the bill as we first came through the House. I owe him a deep debt of gratitude. He had a very difficult personal period at the same time, and he just kept moving forward with us. Without him, we could not have been successful. So I thank the gentleman from West Virginia (Mr. MOLLOHAN).

I also thank his staff and my staff who worked so well together, and also the members of the Senate, Senator BOND who chaired the conference, and Senator MIKULSKI, the ranking Democrat from the Senate.

We felt that, by working out the issues amongst ourselves before we sat down and discussed these issues with the White House, we would be in better shape to bring the priorities together. That is what we did.

□ 1100

We had pretty much a consensus legislative position, and then we sat down with the White House and asked them what their priorities were, and it worked fairly well.

The bottom line here is that this bill provides total discretionary and mandatory spending of $93.1 billion, which includes disaster relief of $2.4 billion and also includes the largest-ever increase for veterans' medical care, and also an increase of $2 billion for section 8 housing vouchers.

The bill nets out at $257 million dollars below our budget authority allocation. It also comes out $2 million below our budget allocation for outlays. I think that is a remarkable achievement considering the fact that we met all of the Congress's priorities, including the House and Senate and also the White House's priorities.

We increased VA medical care $1.7 billion above the President's initial request, bringing the total to $19.6 billion. That account is fully offset.

I would like to thank the gentleman from Arizona (Chairman STUMP), the chairman of the full committee, as well as Members, including the gentleman from New Jersey (Mr. FRELINGHUYSEN) on our subcommittee who worked so hard on the veterans' issues.

Regarding HUD, which is the largest part of this subcommittee bill, it preserves the taxpayers' substantial investment in existing affordable housing stock by increasing public housing operating subsidies and modernization funds above the President's request.

We felt very strongly that, with the huge investment that we have in public housing and while there are other options, including section 8, we need to take care of the existing housing stock and protect that investment. That we have. I thank the White House for coming forward and providing an additional offset so that we could increase operating subsidies by $135 million.

Operating subsidies are at $3.138 billion, as I said, an increase of $135 million. And the capital improvement account is $2.9 billion, an increase of $345

million. This provides funds for 60,000 new housing vouchers, as well, which are fully offset. That was a priority of Secretary Cuomo and of the White House and of my colleague, the gentleman from West Virginia (Mr. MOLLOHAN); and we were able to work that issue out so that I think everyone was more than satisfied with the resolution of that issue.

Selective Service. We do provide funds for the regular operations of the Selective Service. The House vote was very strong in taking the position to end Selective Service. However, the Senate position prevailed. I think that debate will continue next year. Although, there are members of the subcommittee, including the gentleman from California (Mr. CUNNINGHAM), who felt very strongly that we should hold to the Senate position.

The Americorps program is funded at $434.5 million. This is a priority of the President. We knew that this bill would not achieve a Presidential signature if we did not resolve that, and we did.

It also provides $2.5 billion for FEMA for disaster relief. Governor Hunt of North Carolina came in to see me, and I believe he saw the gentleman from West Virginia (Mr. MOLLOHAN) with the entire North Carolina delegation, Republican and Democrat, and made a very strong case that we need to have emergency funding.

The CBO said that we would run out of money before the end of January next year, and we felt, quite frankly, that this would help our bill if we had disaster relief in the bill. It does not need to be offset. It is true emergency spending; and, therefore, it increased our allocation but did not break any budget caps. It was important to the people who have been suffering under the flood from Hurricane Floyd that we provide relief and give them some hope.

On NASA, it provides an increase of $75 million for NASA, including a $152 million increase for vital aeronautics programs; and it fully funds current space science missions. I know Administrator Golden was very pleased with the end result. I spoke with him personally.

Also, I know the gentleman from West Virginia (Mr. MOLLOHAN), the gentleman from Virginia (Mr. BATEMAN), the gentleman from Alabama (Mr. CRAMER), the gentleman from California (Mr. ROGAN), and the gentleman from Florida (Mr. WELDON) all weighed in very heavily for additional funds for NASA, just to name a few. There was very strong support for improving what the House position was for NASA.

On EPA, we provided $7.59 billion for EPA, which is virtually level spending with fiscal year 1999. The conferees have kept the growth of the agency in check while providing at least $800 million over the budget request for State and local drinking water and waste water construction grants.

We feel very strongly and the House held its position that we need to be there for our communities who are under court order to meet clean water standards. I agree the EPA needs to keep all of our communities' feet to the fire to clean up the water, to raise the drinking water quality standards in all of our lakes and rivers and water features around this country. It is critical. And this bill I think goes farther than many others have in the past to meeting that commitment to clean up our air and to clean up our water.

I am very, very proud, Mr. Speaker, that, this being a Republican-led Congress, that we actually put more money in to resolve those clean water and clean air issues than the President, and I am very proud of that.

I think that, just to be partisan for just one brief moment, our party has gotten criticism over the years, I think undeservedly so. And I think we stepped up to the plate in this bill, met our commitments, supported our local community, whether they were Republican or Democrat communities, supported them to meet the challenge of these court orders that they are under, all in keeping with making water cleaner. And we are doing that.

The water in this country is getting cleaner as we speak, and I think we can all be very proud of that regardless of our party.

Research at EPA is a priority, as well, as the conferees provided $645 million in new spending, a shade under last year.

Lastly, the National Science Foundation reaches an all-time high of $3.9 billion, an increase of $241 million over fiscal year 1999.

I think once again the Congress has shown its commitment to research and development, to the support of our research institutions, primarily our colleges and universities across the Nation who lead the world in research, who are making the investments now that will keep Americans living longer, healthier lives in a cleaner environment, with better jobs, better products, and keeping the United States competitive at the top of the game globally.

This investment will pay huge dividends in the future, as it is doing today. This support once again demonstrates our commitment to science. People like the gentleman from Michigan (Mr. EHLERS) and again the gentleman from West Virginia (Mr. MOLLOHAN) have argued very strongly for increasing National Science Foundation funds.

Let me conclude my remarks by thanking my subcommittee members, who worked so hard and so long to make this product come out the way it did. I would like to thank our staff, who put in a tremendous amount of work. And it is not just the clerical work that they do. It is the advice that they provide, it is the experience that they have, it is the institutional memory that they bring to the table that makes our job so much easier.

I would also like to thank the White House, President Clinton, OMB Director Jacob Lew for coming to the table I think in a very genuine way seeking to help us to solve some of our problems with us being able to help them solve some of their problems. And when they came and asked for additional spending, they said, we will provide the offsets. And they did provide the offsets.

Mr. Speaker, in conclusion, this is a major commitment on the part of the Congress to a balanced budget. We will have a balanced budget this year, and to a large degree it is because of the work that we did to scrub this budget to get it in under our spending allocation. And we are going to do this. We are going to have this balanced budget on budget without affecting our Social Security Trust Fund.

For the first time in 40 years, at least, we will bring a budget to the American people that is balanced, balanced on each side of the ledger, without reaching across and dipping into the Social Security Trust Fund.

Mr. Speaker, if it seems that I am very proud of this accomplishment, I am. But there is no way that it could have been accomplished without the support of all the others that I have mentioned.

Mr. Speaker, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin my remarks by expressing my most sincere appreciation to my chairman the gentleman from New York (Mr. WALSH). He has been totally fair and totally forthcoming throughout this process and has moved this bill with great skill.

This has been a very difficult year to move appropriations bills, and it is a testament to his legislative ability that we are here this morning with a passable bill. It has been a real pleasure working with him. He is particularly capable. He is a class act.

Mr. Speaker, before I continue, I would like to take a moment to thank the staff who have all put in countless hours since we started our hearing process in February.

First, I would like to thank the committee staff, including both the majority staff, Frank Cushing, Valerie Baldwin, Tim Peterson, Dena Baron, and their detailee Angela Snell; and on the minority side, two skilled and dedicated staffers, Del Davis and David Reich.

I would also like to thank the personal staff of the chairman, Ron Anderson and John Simmons and, of course, my own personal staff, Lee Alman and Gavin Clingham, who have done a fine job working on this bill.

Mr. Speaker, this is my first year as ranking minority member of this subcommittee and it has been quite an interesting year. I began this appropriations cycle thinking that this bill

could never pass the House. And now, several months later, we are through conference with a signable bill. And not only is it a signable bill, it is a good bill.

Indeed, if one considers the circumstances under which this subcommittee was operating, this is a great bill. This success was made possible by the serious constructive manner in which all sides approached the conference process, by the skill of the chairman, and by the cooperation of the administration, particularly the administration's willingness to find the necessary budget offsets for some spending increases which the administration was urging.

Without repeating the statement of the chairman, I would like to quickly run through just a few of the highlights of this conference report.

First, for veterans' medical care. It provides a $1.7 billion increase over last year's level. This increase is vital in order to help the Department of Veterans' Affairs keep up with the medical needs of our Nation's veterans.

In the housing area, the conference report provides for 60,000 additional incremental section 8 housing assistance vouchers. That is, it appropriates sufficient funds, both to renew all existing section 8 housing assistance contracts and to increase the number of families assisted by 60,000.

This modest expansion of housing assistance is extremely important in light of the serious and growing unmet needs for affordable housing that exists in our country.

The conference report also takes important steps to assist public housing, which remains a very important part of our overall national strategy for meeting the housing needs of low-income people. It increases public housing operating assistance by $320 million over the fiscal year 1999 level to help local housing authorities pay their utility bills and keep up with maintenance needs.

It also provides $2.9 billion for public housing capital assistance, a bit less than the $3 billion provided last year but still well above the levels during the preceding several years.

The measure also includes a $50 million increase in the section 202 program that helps provide housing for low-income elderly people and a $45 million increase in grants for assistance to the homeless.

I would like to express my appreciation to Secretary Cuomo here, who has tirelessly advocated for many of these increases.

Before I leave the housing area, I should also mention that some very important authorizing has been incorporated into our legislation, namely part of H.R. 202.

After this bill passed the House by an overwhelming vote last month, the bipartisan leadership of the banking committee and its housing subcommittee approached our subcommittee and asked if the legislation could be added to the appropriations bill to expedite its enactment.

While I and others of the House conferees would have preferred to adopt H.R. 202 in its entirety just as it passed the House, we were not able to secure the agreement from the Senate conferees to do so.

Nevertheless, the portions of H.R. 202 that we were able to add to the conference agreement takes some important steps to help keep project-based section 8 housing viable and to improve housing programs for the elderly and the disabled.

The second part of the conference agreement of which I am especially proud is the funding for NASA. While the House-passed bill cut NASA substantially, the conference agreement provides $1 billion more and $75 million more than the budget request for NASA. The increases above the request are targeted to the science and aeronautics mission areas, which I think are particularly high priorities.

□ 1115

Some items of note within the NASA section of the conference report include an increase of $25 million for safety-related upgrades to space shuttle; an overall increase of $1.25 million above the budget request for space science, which represents $240 million over the House-passed level; increases of at least $130 million for various aeronautics programs involving development of new technologies for both aircraft and spacecraft; and $19.6 million for the space grant program.

Also in the space science area, the conference agreement provides an increase for the National Science Foundation totaling about $240 million above last year. This increase includes $50 million for the foundation's biocomplexity research initiative.

Also included is $36 million for the construction of a five-teraflop computing facility, capable of trillions of calculations per second. This capability is essential if we are to continue our world leadership in information technology. And in that same vein I am pleased to report that this conference agreement has provided $75 million for the administration's IT-squared initiative.

In addition, Mr. Speaker, the agreement appropriates about $2.5 billion in emergency funding for the Federal Emergency Management Agency, FEMA, as requested by the administration. This appropriation will allow FEMA to continue to meet urgent needs in North Carolina and other States recently struck by national disasters as well as replenish FEMA's funds so that it will be able to respond quickly whenever the next disaster strikes.

In summary, Mr. Speaker, I think we present to the body today a good conference report that is certainly worthy of support. It is by no means an extravagant piece of legislation but it does provide some additional resources to maintain our leadership in science, help meet housing needs, respond to disasters, care for our veterans and accomplish other useful and important things.

I urge a ''yes'' vote on the conference report. I again express my appreciation to the gentleman from New York for his leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 1½ minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN), a member of the subcommittee.

Mr. FRELINGHUYSEN. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today in support of the VA–HUD conference report. I commend the gentleman from New York, our chairman, and the gentleman from West Virginia, our ranking member, for all their hard work and the hard work of our staff. The gentleman from West Virginia and the gentleman from New York work well together, and I think the product that we have today is fully supportable.

While I am supportive of many provisions of this bill, including critical dollars for housing, most especially for housing for people with disabilities and older Americans, I am especially supportive of additional money for basic scientific research, further space exploration and the additional dollars to protect our environment as well as address so many natural disasters. I specifically want to commend the chairman and ranking member for standing in support of more funding for veterans medical care. We as Members of Congress are united in a most bipartisan manner in this and other regards.

I am pleased that this conference report contains a record $1.7 billion increase for veterans medical care added to the House bill. This additional funding will help countless veterans, many older, sicker, some nearly 100 percent dependent on the system for their health care and will mean increased access to service and improved quality of care. And, yes, we must as we pass these additional dollars reinvigorate our roles as committee members to assure that these dollars are well spent.

I rise in support of the conference report.

Mr. MOLLOHAN. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking minority member on the full committee.

Mr. OBEY. I thank the gentleman for yielding me this time.

Mr. Speaker, as previous speakers have said, there are many things about this bill that are good. It does a lot of things for a lot of people. But I have one simple question: Is there anybody around here, either on the floor or in any other congressional office on the House side of the Capitol who really knows what is going on around here in terms of the overall spending that will result by the end of the year?

Yesterday we passed our biggest bill. That bill accounts for about half of all

discretionary spending in the budget. That bill was $9 billion over the President's request. The defense bill.

Now we have a bill that is either the second or the third largest appropriations bill, and I think we ought to take a look at its increases. Veterans medical care is $1.7 billion above the President. I think that is fine. I would like to see that more. EPA is $400 million above the President. NASA is $75 million above. Now, each of those programs in and of themselves are worthy programs, and I would like in an ideal world to be spending more on all of them. But my question is, with what we did on defense yesterday, with what we are doing on this bill, where are we going to end up? What is the plan? Indeed, is there a plan to deal with our other critical needs?

We have, I think, with the passage of this bill and a number of other bills, we are seeing Congress engage in a gigantic and repetitive shell game. We see double sets of books, we see innovative accounting, we order our own fiscal scorekeeper to simply ignore the fact that one of the bills that we passed will spend $10 billion more than his official numbers would otherwise indicate.

What will the DOD bill do to our education priorities in the country, to our health priorities, to our job training priorities, to our efforts to reduce class sizes, to our efforts to produce school modernization? The answer is, nobody knows, because everybody is playing poker without knowing what their hold card is. You can lose an awful lot of money that way.

So I would simply suggest, do whatever you want to do on this bill, there are good reasons to vote for it in and of itself, but the fact is that this House does not know what it is doing, it does not know what the end game is going to be, and certainly Members need to be aware of the fact that the appropriations bills on their present track contain over $42 billion in spending gimmicks, and, in fact, that means that, despite all of the declarations to the contrary, these budget bills are eating up virtually all of the non-Social Security surplus and are certainly at this point headed down the road to spend close to $20 billion of the Social Security surplus.

I say that simply in the interest of honest accounting, and I say that to simply urge Members once again to ask, where is this all going to wind up? The only way to work out a decent end is for this institution to sit down with the White House and have both parties represented and work out our differences so that we know what each of these bills is doing to other key national priorities that we also have an obligation to deal with.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin just spoke regarding the offsets in the bill. I would remind him that when we left the House with our bill, we did not use the $4.2 billion advance appropriation that the White House used and that ultimately the Senate used. So I thought that we did it the right way. However, this is a process of compromise and negotiation, and when the House position was different than the Senate and the White House, I felt that it would be in our best interest to work with those two the way they determined their allocation.

Selfishly, it made our job a lot easier to use that offset. But the fact of the matter is that this is an accepted offset. It is scored. All of this bill is offset according to CBO and OMB. They are in agreement that the bill is offset properly. So, therefore, we are within our rules. As the gentleman knows so well, rules can be helpful and they can be a hindrance. In this case, I think the rules were helpful.

As far as the offset, the $4.2 billion advance appropriation, the White House suggested that we use that to fund section 8 vouchers. Section 8 vouchers provide housing for America's poor. So there was a real effort to try to make sure we had additional vouchers, because the program is working. The problem is when you use an advance appropriation, it puts off the problem more or less until next year. The outlay rate in the first year is very low. In the second year it is very high. It creates problems for us in the future to do things this way is the bottom line.

So what we suggested to the White House when we accepted this advance appropriation is, you folks need to sit down with us, with CBO, with the House and Senate leaders in the housing arena, authorizers and appropriators, and resolve this issue, because if we do not deal with it next year properly, this section 8 housing voucher problem could implode.

We do need to deal with this in a realistic way with real money and with a long-term plan. Everybody agrees section 8 is a good program, but we need to make sure we fund it in a proper way. I am not convinced that advance appropriations are the best way to do this, and I think the White House and the Senate would agree with that. So it will be a challenge for us, especially for the authorizers working with us to make sure that if we are going to pursue this section 8 as a viable alternative to public housing, we need to fund it properly.

Mr. Speaker, I enter into the RECORD a chart regarding the overall expenditures of the bill and the breakdown.

The document referred to follows:

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	21,857,058	21,568,364	21,568,364	21,568,364	21,568,364	-288,694
Readjustment benefits	1,175,000	1,469,000	1,469,000	1,469,000	1,469,000	+294,000
Veterans insurance and indemnities	46,450	28,670	28,670	28,670	28,670	-17,780
Veterans housing benefit program fund program account (indefinite)	300,266	282,342	282,342	282,342	282,342	-17,924
(Limitation on direct loans)	(300)	(300)	(300)	(300)	(300)	.....
Administrative expenses	159,121	156,958	156,958	156,958	156,958	-2,163
Education loan fund program account	1	1	1	1	1	.....
(Limitation on direct loans)	(3)	(3)	(3)	(3)	(3)	.....
Administrative expenses	206	214	214	214	214	+8
Vocational rehabilitation loans program account	55	57	57	57	57	+2
(Limitation on direct loans)	(2,401)	(2,531)	(2,531)	(2,531)	(2,531)	(+130)
Administrative expenses	400	415	415	415	415	+15
Native American Veteran Housing Loan Program Account	515	520	520	520	520	+5
Guaranteed Transitional Housing Loans for Homeless Veterans program account	.....	.....	.....	48,250	48,250	+48,250
(Limitation on direct loans)	.....	.....	.....	(100,000)	(100,000)	(+100,000)
Total, Veterans Benefits Administration	23,539,072	23,506,541	23,506,541	23,554,791	23,554,791	+15,719
Veterans Health Administration						
Medical care	16,528,000	16,671,000	18,371,000	17,771,000	18,106,000	+1,578,000
Delayed equipment obligation	778,000	635,000	635,000	635,000	900,000	+122,000
Total	17,306,000	17,306,000	19,006,000	18,406,000	19,006,000	+1,700,000
Contingent emergency funding	.....	.....	.....	600,000	.....	.....
(Transfer to general operating expenses)	(-27,420)	.....	.....	(25,930)	(-27,907)	(-487)
Medical care cost recovery collections:						
Offsetting receipts	-583,000	-608,000	-608,000	-608,000	-608,000	-25,000
Appropriations (indefinite)	583,000	608,000	608,000	608,000	608,000	+25,000
Total available	(17,889,000)	(17,914,000)	(19,614,000)	(19,014,000)	(19,614,000)	(+1,725,000)
Medical and prosthetic research	316,000	316,000	326,000	316,000	321,000	+5,000
Medical administration and miscellaneous operating expenses	63,000	61,200	61,200	60,703	59,703	-3,297
General Post Fund, National Homes:						
Loan program account (by transfer)	(7)	(7)	(7)	(7)	(7)	.....
(Limitation on direct loans)	(70)	(70)	(70)	(70)	(70)	.....
Administrative expenses (by transfer)	(54)	(54)	(54)	(54)	(54)	.....
General post fund (transfer out)	(-61)	(-61)	(-61)	(-61)	(-61)	.....
Total, Veterans Health Administration	17,685,000	17,683,200	19,393,200	19,382,703	19,386,703	+1,701,703
Departmental Administration						
General operating expenses	855,661	912,353	886,000	912,594	912,594	+56,933
Offsetting receipts	(38,960)	(36,754)	(36,754)	(36,754)	(36,754)	(-2,206)
Total, Program Level	(894,621)	(949,107)	(922,754)	(949,348)	(949,348)	(+54,727)
(Transfer from medical care)	(27,420)	.....	.....	.....	(27,907)	(+487)
(Transfer from national cemetery)	(90)	.....	.....	.....	(117)	(+27)
(Transfer from inspector general)	(30)	.....	.....	.....	(30)	.....
National Cemetery Administration	92,006	97,000	97,000	97,256	97,256	+5,250
(Transfer to general operating expenses)	(-90)	.....	.....	.....	(-117)	(-27)
Office of Inspector General	36,000	43,200	38,500	43,200	43,200	+7,200
(Transfer to general operating expenses)	(-30)	.....	.....	.....	(-30)	.....
Construction, major projects	142,300	60,140	34,700	70,140	65,140	-77,160
Construction, minor projects	175,000	175,000	102,300	175,000	160,000	-15,000
Grants for construction of State extended care facilities	90,000	40,000	87,000	90,000	90,000	.....
Grants for the construction of State veterans cemeteries	10,000	11,000	11,000	25,000	25,000	+15,000
Capital asset fund	.....	10,000	.....	.....	.....	.....
Total, Departmental Administration	1,400,967	1,348,693	1,256,500	1,413,190	1,393,190	-7,777
Total, title I, Department of Veterans Affairs	42,625,039	42,538,434	44,156,241	44,350,684	44,334,684	+1,709,645
Appropriations	(42,625,039)	(42,538,434)	(44,156,241)	(43,750,684)	(44,334,684)	(+1,709,645)
Contingent emergency appropriations	.....	.....	.....	(600,000)	.....	.....
Consisting of:						
Mandatory	(23,378,774)	(23,348,376)	(23,348,376)	(23,396,626)	(23,396,626)	(+17,852)
Discretionary	(19,246,265)	(19,190,058)	(20,807,865)	(20,954,058)	(20,938,058)	(+1,691,793)

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Public and Indian Housing						
Housing Certificate Fund	10,326,542	7,322,095	10,540,135	6,851,135	7,176,695	-3,149,847
(By transfer)		(183,000)	(183,000)	(183,000)	(183,000)	(+183,000)
Advance appropriation, FY 2001		4,200,000		4,200,000	4,200,000	+4,200,000
Total funding	10,326,542	11,522,095	10,540,135	11,051,135	11,376,695	+1,050,153
Housing set-asides:						
Expiring section 8 contracts	(9,600,000)	(10,640,135)	(10,540,135)	(10,855,135)	(10,834,135)	(+1,234,135)
Section 8 relocation assistance	(433,542)	(156,000)		(156,000)	(156,000)	(-277,542)
Regional opportunity counseling	(10,000)	(20,000)				(-10,000)
Welfare to work housing vouchers	(283,000)	(144,400)				(-283,000)
Contract administration		(209,000)				
Incremental vouchers		(346,560)			(346,560)	(+346,560)
Administrative fee change		(6,000)				
Voucher for disabled				(40,000)	(40,000)	(+40,000)
Subtotal	(10,326,542)	(11,522,095)	(10,540,135)	(11,051,135)	(11,376,695)	(+1,050,153)
Rescission of unobligated balances:						
Section 8 recaptures (rescission)	-2,000,000				-1,300,000	+700,000
Section 8 carryover and Tenant Protection (rescission)					-943,000	-943,000
Subtotal	-2,000,000				-2,243,000	-243,000
Public housing capital fund	3,000,000	2,555,000	2,555,000	2,555,000	2,900,000	-100,000
Public housing operating fund	2,818,000	3,003,000	2,818,000	2,900,000	3,138,000	+320,000
Subtotal	5,818,000	5,558,000	5,373,000	5,455,000	6,038,000	+220,000
Drug elimination grants for low-income housing	310,000	310,000	290,000	310,000	310,000	
Revitalization of severely distressed public housing (HOPE VI)	625,000	625,000	575,000	500,000	575,000	-50,000
Native American housing block grants	620,000	620,000	620,000	620,000	620,000	
Indian housing loan guarantee fund program account	6,000	6,000	6,000	6,000	6,000	
(Limitation on guaranteed loans)	(68,881)	(71,956)	(71,956)	(71,956)	(71,956)	(+3,075)
Total, Public and Indian Housing	15,705,542	18,641,095	17,404,135	17,942,135	16,682,695	+977,153
Community Planning and Development						
Housing opportunities for persons with AIDS	215,000	240,000	225,000	232,000	232,000	+17,000
Additional provisions - Division A, P.L. 105-277	10,000					-10,000
Rural housing and economic development	25,000	20,000		25,000	25,000	
America's private investment companies program:						
(Limitation on guaranteed loans)		(1,000,000)			(541,000)	(+541,000)
Credit subsidy		37,000			20,000	+20,000
Regional empowerment zone initiative		50,000				
Urban empowerment zones					55,000	+55,000
Rural empowerment zones					15,000	+15,000
Empowerment Zones and Enterprise Communities:						
Additional provisions - Division A, P.L. 105-277	45,000					-45,000
Subtotal	45,000	50,000			70,000	+25,000
Community development block grants	4,750,000	4,775,000	4,500,200	4,800,000	4,800,000	+50,000
Emergency funding	20,000					-20,000
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(1,261,000)	(1,261,000)	(1,087,000)	(1,261,000)	(1,261,000)	
Credit subsidy	29,000	29,000	25,000	29,000	29,000	
Administrative expenses	1,000	1,000	1,000	1,000	1,000	
Brownfields redevelopment	25,000	50,000	20,000	25,000	25,000	
Regional connections		50,000				
Redevelopment of abandoned buildings initiative		50,000				
HOME investment partnerships program	1,600,000	1,610,000	1,580,000	1,600,000	1,600,000	
Homeless assistance grants	975,000	1,020,000	970,000	1,020,000	1,020,000	+45,000
Homeless assistance demonstration project		5,000				
Total, Community planning and development	7,695,000	7,937,000	7,321,200	7,732,000	7,822,000	+127,000
Housing Programs						
Housing for special populations	854,000	854,000	854,000	911,000	911,000	+57,000
Housing for the elderly	(660,000)	(660,000)	(660,000)	(710,000)	(710,000)	(+50,000)
Housing for the disabled	(194,000)	(194,000)	(194,000)	(201,000)	(201,000)	(+7,000)

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(140,000,000)	(120,000,000)	(140,000,000)	(120,000,000)	(140,000,000)	.....
(Limitation on direct loans)	(100,000)	(50,000)	(50,000)	(100,000)	(100,000)	.....
Administrative expenses	328,888	330,888	328,888	330,888	330,888	+2,000
Offsetting receipts	-529,000	.....	.....	.....	.....	+529,000
Administrative contract expenses	.....	160,000	.....	160,000	160,000	+160,000
Additional contract expenses	.....	4,000	.....	4,000	4,000	+4,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(18,100,000)	(18,100,000)	(18,100,000)	(18,100,000)	(18,100,000)	.....
(Limitation on direct loans)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	.....
Administrative expenses	211,455	64,000	64,000	64,000	64,000	-147,455
Administrative expenses (unobligated balances)	.....	(147,000)	(147,000)	(147,000)	(147,000)	(+147,000)
Negative subsidy	-125,000	-75,000	-75,000	-75,000	-75,000	+50,000
Subsidy	81,000	.....	.....	.....	.....	-81,000
Subsidy (unobligated balances)	.....	(153,000)	(153,000)	(153,000)	(153,000)	(+153,000)
Non-overhead administrative expenses	.....	144,000	.....	144,000	144,000	+144,000
Additional contract expenses	.....	7,000	.....	7,000	7,000	+7,000
Total, Federal Housing Administration	-32,657	634,888	317,888	634,888	634,888	+667,545
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	.....
Administrative expenses	9,383	15,383	9,383	15,383	9,383	.....
Offsetting receipts	-370,000	-422,000	-422,000	-422,000	-422,000	-52,000
Policy Development and Research						
Research and technology	47,500	50,000	42,500	35,000	45,000	-2,500
Fair Housing and Equal Opportunity						
Fair housing activities	40,000	47,000	37,500	40,000	44,000	+4,000
Office of Lead Hazard Control						
Lead hazard reduction	80,000	80,000	70,000	80,000	80,000	.....
Management and Administration						
Salaries and expenses	456,843	502,000	456,843	457,093	477,000	+20,157
(By transfer, limitation on FHA corporate funds)	(518,000)	(518,000)	(518,000)	(518,000)	(518,000)	.....
(By transfer, GNMA)	(9,383)	(9,383)	(9,383)	(9,383)	(9,383)	.....
(By transfer, Community Planning & Development)	(1,000)	(1,000)	(1,000)	(1,000)	(1,000)	.....
(By transfer, Title VI)	(200)	(150)	(150)	(150)	(150)	(-50)
(By transfer, Indian Housing)	(400)	(200)	(200)	(200)	(200)	(-200)
Total, Salaries and expenses	(985,826)	(1,030,733)	(985,576)	(985,826)	(1,005,733)	(+19,907)
Y2K conversion (emergency funding)	12,200	.....	.....	.....	.....	-12,200
Office of Inspector General	49,567	38,000	40,000	63,567	50,657	+1,090
(By transfer, limitation on FHA corporate funds)	(22,343)	(22,343)	(22,343)	(22,343)	(22,343)	.....
(By transfer from Drug Elimination Grants)	(10,000)	(10,000)	(10,000)	(10,000)	(10,000)	.....
Total, Office of Inspector General	(81,910)	(70,343)	(72,343)	(95,910)	(83,000)	(+1,090)
Office of Federal Housing Enterprise Oversight	16,000	19,493	19,493	19,493	19,493	+3,493
Offsetting receipts	-16,000	-19,493	-19,493	-19,493	-19,493	-3,493
Administrative Provisions						
Single Family Property Disposition	-400,000	.....	.....	.....	.....	+400,000
Sec. 212, calculation of downpayment	15,000	.....	.....	.....	.....	-15,000
FHA increase in loan amounts	-83,000	.....	.....	.....	.....	+83,000
GSE user fee	.....	-10,000	.....	.....	.....	.....
Sec. 208 FHA	.....	-319,000	.....	-319,000	-319,000	-319,000
Annual contribution (transfer out)	.....	(-79,000)	(-79,000)	(-79,000)	(-79,000)	(-79,000)
Annual contributions (transfer out)	.....	(-104,000)	(-104,000)	(-104,000)	(-104,000)	(-104,000)
Sec. 212 Rescissions	.....	.....	-74,400	.....	-74,400	-74,400
Sec. 213 National Cities in Schools	.....	.....	5,000	.....	5,000	+5,000
Sec. 214 Moving to Work	.....	.....	5,000	.....	5,000	+5,000
Total, administrative provisions	-468,000	-329,000	-64,400	-319,000	-383,400	+84,600
Total, title II, Department of Housing and Urban Development (net)	24,079,378	28,048,366	26,067,049	27,170,066	25,951,223	+1,871,845
Current year, FY 2000 (net)	(24,079,378)	(23,848,366)	(26,067,049)	(22,970,066)	(21,751,223)	(-2,328,155)
Appropriations	(26,047,178)	(23,848,366)	(26,141,449)	(22,970,066)	(24,068,623)	(-1,978,555)
Rescissions	(-2,000,000)	.....	(-74,400)	.....	(-2,317,400)	(-317,400)
Emergency appropriations	(32,200)	.....	.....	.....	.....	(-32,200)
Advance appropriation, FY 2001	.....	(4,200,000)	.....	(4,200,000)	(4,200,000)	(+4,200,000)

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	26,431	26,467	28,467	26,467	28,467	+2,036
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	6,500	7,500	7,000	6,500	8,000	+1,500
Department of the Treasury						
Community Development Financial Institutions						
Community development financial institutions fund program account	80,000	110,000	70,000	80,000	95,000	+15,000
Microenterprise technical assistance	.....	15,000	.....	.....	.....	.....
Additional provisions - Division A, P.L. 105-277	15,000	.....	.....	.....	.....	-15,000
Total	95,000	125,000	70,000	80,000	95,000	.....
Consumer Product Safety Commission						
Salaries and expenses	47,000	50,500	47,000	49,500	49,000	+2,000
Corporation for National and Community Service						
National and community service programs operating expenses	425,500	545,500	.....	423,500	434,500	+9,000
Additional provisions - Division A, P.L. 105-277	10,000	.....	.....	.....	.....	-10,000
Rescission	.....	.....	.....	-80,000	-80,000	-80,000
Office of Inspector General	3,000	3,000	3,000	5,000	4,000	+1,000
Total	438,500	548,500	3,000	348,500	358,500	-80,000
United States Court of Appeals for Veterans Claims						
Salaries and expenses	10,195	11,450	11,450	11,450	11,450	+1,255
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	11,666	12,473	12,473	12,473	12,473	+807
Environmental Protection Agency						
Science and Technology	650,000	642,483	645,000	642,483	645,000	-5,000
Transfer from Hazardous Substance Superfund	40,000	37,271	35,000	38,000	38,000	-2,000
Additional provisions - Division A, P.L. 105-277	10,000	.....	.....	.....	.....	-10,000
Subtotal, Science and Technology	700,000	679,754	680,000	680,483	683,000	-17,000
Environmental Programs and Management	1,848,000	2,046,993	1,850,000	1,897,000	1,900,000	+52,000
Transfer to STAG (P.L. 106-31)	-1,300	.....	.....	.....	.....	+1,300
Subtotal, EPM	1,846,700	2,046,993	1,850,000	1,897,000	1,900,000	+53,300
Office of Inspector General	31,154	29,409	25,000	32,409	32,409	+1,255
Transfer from Hazardous Substance Superfund	12,237	10,753	11,000	10,753	11,000	-1,237
Subtotal, OIG	43,391	40,162	36,000	43,162	43,409	+18
Buildings and facilities	56,948	62,630	62,600	25,930	62,600	+5,652
Hazardous Substance Superfund	1,400,000	1,500,000	1,450,000	1,300,000	1,300,000	-100,000
Delay of obligation	100,000	.....	.....	100,000	100,000	.....
Transfer to Office of Inspector General	-12,237	-10,753	-11,000	-10,753	-11,000	+1,237
Transfer to Science and Technology	-40,000	-37,271	-35,000	-38,000	-38,000	+2,000
Subtotal, Hazardous Substance Superfund	1,447,763	1,451,976	1,404,000	1,351,247	1,351,000	-96,763
Leaking Underground Storage Tank Program	72,500	71,556	60,000	71,556	70,000	-2,500
Oil spill response	15,000	15,618	15,000	15,000	15,000	.....
State and Tribal Assistance Grants	2,506,750	1,953,000	2,315,000	2,355,000	2,581,650	+74,900
Categorical grants	880,000	884,957	884,957	895,000	885,000	+5,000
Additional provisions - Division A, P.L. 105-277	20,000	.....	.....	.....	.....	-20,000
Transfer from EMP (P.L. 106-31)	1,300	.....	.....	.....	.....	-1,300
Subtotal, STAG	3,408,050	2,837,957	3,199,957	3,250,000	3,466,650	+58,600
Montreal Protocol across-the-board reduction	.....	.....	.....	-12,000	.....	.....
Total, EPA	7,590,352	7,206,646	7,307,557	7,322,378	7,591,659	+1,307
Executive Office of the President						
Office of Science and Technology Policy	5,026	5,201	5,108	5,201	5,108	+82
Council on Environmental Quality and Office of Environmental Quality	2,675	3,020	2,827	2,675	2,827	+152
Total	7,701	8,221	7,935	7,876	7,935	+234

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Federal Deposit Insurance Corporation						
Office of Inspector General (transfer)	(34,666)	(33,666)	(33,666)	(34,666)	(33,666)	(-1,000)
Federal Emergency Management Agency						
Disaster relief	307,745	300,000	300,000	300,000	300,000	-7,745
(Transfer out)		(-2,900)	(-3,000)	(-2,900)	(-2,900)	(-2,900)
Emergency funding	2,036,000	2,480,425			2,480,425	+444,425
Pre-disaster mitigation		30,000				
(Transfer out)		(-2,600)				
Disaster assistance direct loan program account:						
State share loan	1,355	1,295	1,295	1,295	1,295	-60
(Limitation on direct loans)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	
Administrative expenses	440	420	420	420	420	-20
Y2K local government and loan program (contingent emergency appropriations)				100,000		
Funds appropriated to the President (Y2K) (rescission)				-100,000		
Salaries and expenses	171,138	189,720	177,720	180,000	180,000	+8,862
Y2K conversion (emergency funding)	3,641					-3,641
Office of Inspector General	5,400	8,015	6,515	8,015	8,015	+2,615
Emergency management planning and assistance	240,824	250,850	280,787	255,850	267,000	+26,176
(By transfer)		(5,400)	(3,000)	(2,900)	(2,900)	(+2,900)
Y2K conversion (emergency funding)	3,711					-3,711
Radiological emergency preparedness fund	12,849					-12,849
Collection of fees	-12,849					+12,849
new language		-1,000	-1,000	-1,000	-1,000	-1,000
Emergency food and shelter program	100,000	125,000	110,000	110,000	110,000	+10,000
Flood map modernization fund		5,000	5,000		5,000	+5,000
National insurance development fund		(3,730)	(3,730)	(3,730)	(3,730)	(+3,730)
National Flood Insurance Fund (limitation on administrative expenses):						
Salaries and expenses	(22,685)	(24,131)	(24,333)	(24,333)	(24,333)	(+1,648)
Flood mitigation	(78,464)	(78,912)	(78,710)	(78,710)	(78,710)	(+246)
(Transfer out)		(-20,000)	(-20,000)	(-20,000)	(-20,000)	(-20,000)
National flood mitigation fund		12,000				
(By transfer)		(20,000)	(20,000)	(20,000)	(20,000)	(+20,000)
Total, Federal Emergency Management Agency	2,870,254	3,401,725	880,737	854,580	3,351,155	+480,901
Appropriations	(826,902)	(921,300)	(880,737)	(854,580)	(870,730)	(+43,828)
Emergency funding	(2,043,352)	(2,480,425)			(2,480,425)	(+437,073)
General Services Administration						
Consumer Information Center Fund	2,619	2,622	2,622	2,622	2,622	+3
National Aeronautics and Space Administration						
Human space flight	5,480,000	5,638,000	5,388,000		5,510,900	+30,900
International Space Station				2,482,700		
Launch vehicles and payload operation				3,156,000		
Subtotal	5,480,000	5,638,000	5,388,000	5,638,700	5,510,900	+30,900
Science, aeronautics and technology	5,653,900	5,424,700	4,975,700	5,424,700	5,606,700	-47,200
Mission support	2,511,100	2,494,900	2,269,300	2,495,000	2,515,100	+4,000
Office of Inspector General	20,000	20,800	20,800	20,000	20,000	
Total, NASA	13,665,000	13,578,400	12,653,800	13,578,400	13,652,700	-12,300
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000)	(600,000)				(-600,000)
(Limitation on administrative expenses, corporate funds)	(176)	(257)	(257)	(257)	(257)	(+81)
Revolving loan program	2,000		1,000		1,000	-1,000
National Science Foundation						
Research and related activities	2,770,000	3,004,000	2,768,500	3,007,300	2,966,000	+196,000
Major research equipment	90,000	85,000	56,500	70,000	95,000	+5,000
Education and human resources	662,000	678,000	660,000	688,600	696,600	+34,600
Salaries and expenses	144,000	149,000	146,500	150,000	149,000	+5,000
Office of Inspector General	5,200	5,450	5,325	5,550	5,450	+250
Total, NSF	3,671,200	3,921,450	3,636,825	3,921,450	3,912,050	+240,850
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	90,000	90,000	80,000	60,000	75,000	-15,000

H.R. 2684 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES, 2000 — continued

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	House	Senate	Conference	Conference vs. enacted
Selective Service System						
Salaries and expenses	24,176	25,250	7,000	25,250	24,000	-176
Y2K conversion (emergency funding)	250	.....	.....	.....	.....	-250
Total	24,426	25,250	7,000	25,250	24,000	-426
Total, title III, Independent agencies	28,558,844	29,016,204	24,756,866	26,307,446	29,181,011	+622,167
Appropriations	(26,515,242)	(26,535,779)	(24,756,866)	(26,307,446)	(26,700,586)	(+185,344)
Rescission	.....	.....	.....	(-80,000)	(-80,000)	(-80,000)
Emergency funding	(2,043,602)	(2,480,425)	.....	.....	(2,480,425)	(+436,823)
TITLE IV - GENERAL PROVISIONS						
Tennessee Valley Authority Borrowing Authority	.....	.....	-3,000,000	.....	.....	.....
TITLE V						
H.R. 202 - Preservation of Affordable Housing	.....	.....	.....	.....	-14,000	-14,000
Grand total (net)	95,263,261	99,603,004	91,980,156	97,828,196	99,452,918	+4,189,657
Current year, FY 2000 (net)	(95,263,261)	(95,403,004)	(91,980,156)	(93,628,196)	(95,252,918)	(-10,343)
Appropriations	(95,187,459)	(92,922,579)	(92,054,556)	(93,108,196)	(95,169,893)	(-17,566)
Rescissions	(-2,000,000)	.....	(-74,400)	(-160,000)	(-2,477,400)	(-477,400)
Emergency funding	(2,075,802)	(2,480,425)	.....	.....	(2,480,425)	(+404,623)
Advance appropriation, FY 2001	.....	(4,200,000)	.....	(4,200,000)	(4,200,000)	(+4,200,000)
(By transfer)	(34,727)	(236,727)	(236,727)	(263,657)	(236,727)	(+202,000)
(Transfer out)	(-61)	(-203,161)	(-203,061)	(-203,061)	(-203,061)	(-203,000)
(Limitation on administrative expenses)	(101,149)	(103,043)	(103,043)	(103,043)	(103,043)	(+1,894)
(Limitation on direct loans)	(846,655)	(799,860)	(199,860)	(349,860)	(349,860)	(-496,795)
(Limitation on guaranteed loans)	(359,361,000)	(340,361,000)	(359,187,000)	(339,361,000)	(359,902,000)	(+541,000)
(Limitation on corporate funds)	(561,502)	(561,333)	(561,333)	(561,333)	(561,333)	(-169)
Total amounts in this bill	95,263,261	99,603,004	91,980,156	97,828,196	99,452,918	+4,189,657
Scorekeeping adjustments	-3,145,802	-6,290,000	-2,090,000	-6,290,000	-6,290,000	-3,144,198
Total mandatory and discretionary	92,117,459	93,313,004	89,890,156	91,538,196	93,162,918	+1,045,459
Mandatory	22,312,774	21,258,376	21,258,376	21,306,626	21,306,626	-1,006,148
Discretionary	69,804,685	72,054,628	68,631,780	70,231,570	71,856,292	+2,051,607

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding me this time. I rise in support of the conference report. Though I voted against the original VA–HUD bill as it left this House, I tend to support this conference report. My concern at that time was that, though the original bill had good funding for veterans care, it significantly underfunded the NASA account. I am very pleased to see that the NASA funding problem was corrected in this bill. I want to commend the gentleman from West Virginia and the gentleman from New York for their very, very hard work. They had a very, very difficult job. I really want to commend all the members of the conference committee on both sides of the aisle. I believe that this is a bill that Democrats and Republicans on both sides should be able to support.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK), a very effective, hardworking member of the subcommittee.

Mrs. MEEK of Florida. Mr. Speaker, I rise in strong support of the conference report. I urge my colleagues to vote for this report. I do not think that anyone realizes the amount of cooperation and coordinated effort that was put into this between our ranking member and our chairperson and the hardworking staff and the members. I think there is sort of an attunement among the members of the VA–HUD committee. I think we work very well together for a common goal. There is a commitment there, there is expertise there, and this process was one that was apparent to all of us, that in the end it would create a very good result.

□ 1130

I am particularly happy about the housing part of the bill. Of course there are other parts of it that I take great pride in also, but I want to applaud what we did for veterans, what we did for NASA, what we did for EPA; but I am particularly proud of what the committee did for housing in that people I represent have a very dire need for better housing, and this conference report took this into consideration and provided considerably new support for affordable housing and to create better housing for low-income Americans. We know what the situation is in this country with rent, and this committee addressed that; and I want to applaud them and to ask my colleagues to please support this. It is worthy of their consideration.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding this time to me. Let me first comment briefly on the comments of the gentleman from Wisconsin (Mr. OBEY). I was disappointed that he came in and basically rained on the parade here, because frankly I think everyone in this Chamber and everyone in the House is very pleased with this bill and with the result that the chairman, the gentleman from New York (Mr. WALSH), and the ranking member have achieved. I am personally very pleased with it.

Furthermore, on the issue of Social Security and dipping into Social Security, I hope we do not dip into Social Security this year, but even if we would have to dip into it slightly, as the gentleman from Wisconsin observed, I would just point out that during the last year that he controlled the Committee on Appropriations the dip into Social Security was well over $60 billion, the entire amount available.

Now let me get to the main point that I wanted to make, and that is to thank the chairman, the gentleman from New York (Mr. WALSH), and the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their work on this bill.

I was responsible for circulating a letter which was signed by over 80 House Members and sent to the chairman of the Committee on Appropriations urgently requesting that the National Science Foundation budget be increased above the House figures as they came out of this chamber. I am very pleased that Chairman Walsh was able to accomplish that. In fact, he did yeoman's work on the entire budget, but particularly on the budget of the National Science Foundation. Furthermore, what he has done on environmental issues is also very worthy, and I certainly appreciate it. I thank him and the rest of the members of the committee for their fine work on this bill.

I urge that we adopt the conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. CRAMER), another hardworking member of our subcommittee and a very effective one.

Mr. CRAMER. Mr. Speaker, I thank the ranking member for yielding this time to me.

Mr. Speaker, I rise today in strong and enthusiastic support of the VA–HUD and independent agencies' conference report. I will echo some of the comments that have been made already particularly by my colleague, the gentleman from Florida (Mr. WELDON), a few minutes ago. As the gentleman from New York (Mr. WALSH) knows and the gentleman from West Virginia (Mr. MOLLOHAN) knows, I represent the Marshall Space Flight Center and NASA Center back in Alabama. That first mark that we endured was quite a hit on NASA.

I appreciate the gentleman from New York's work; I appreciate the gentleman from West Virginia's work to make sure that we restored that cut. We would do it, and we, in fact, did do it; but, as has been said, this does not just happen. It is because of the determination of the chairman, the determination of the ranking member that issues like this can be brought back to the table and kept alive. So I thank them very much on behalf of the NASA employees that I represent, as well as the staff of the subcommittee as well. I am a new member of this subcommittee. They have made the experience of working on this subcommittee very, very pleasurable.

This is a good bill, a bill that the Members should vote for. The conference report is a fair conference report. Our investment in veterans' health care issues, the emergency funds to FEMA, especially in light of the devastation brought on by Hurricane Floyd, the significant reinvestment in HUD, the re-commitment to NASA as well. All of those are reasons why this conference report should pass, and I thank my ranking member, and I thank the chairman for being so patient with some of us that were in an awkward position as we negotiated through this bill.

Mr. Speaker, I rise today in support of the VA–HUD and Independent Agencies Conference Report. In this bill we have been able to provide a substantial investment in Veteran's Health Care, provide emergency funds to FEMA to address the devastation brought on by Hurricane Floyd, and significantly invest in HUD and NASA. So this is a good bill, negotiated in a bipartisan fashion.

Mr. Speaker, I want to just take a few minutes to express my appreciation for all of the hard work that Chairman WALSH and Ranking Member MOLLOHAN have put into this bill in order to get us to this point. I also want to express my appreciation for all of the hard work of the staff over the last few weeks. Now, Mr. Speaker, I am a new Member to this subcommittee. And it was just my luck that the very year that I was able to finally come over to the subcommittee—NASA, which has Marshall Space Flight Center in my district, took a $1.4 billion dollar hit in the House subcommittee mark. Our continued investment in NASA today will inevitably pay off down the line in terms of real and tangible benefits. I am also pleased that we were able to reach agreement on some of the more sticky issues dealing with HUD's funding.

Under the conference agreement, we were able to provide funding for an additional 60,000 section 8 vouchers, increase the funding to public housing operating assistance, and provide additional funds for HUD's homeless assistance and prevention programs. In addition, the compromise reached on the Community Builders program demonstrates what invaluable resources these public servants have been to HUD's management reform process and to communities across the country. I know that negotiations around these issues were tense, so I'm glad we were able to come to a suitable compromise.

Mr. Speaker, this is a good conference report we are considering today. I urge all of my colleagues to support this bill so that it can be sent to the President and signed into law.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time; and I rise, Mr. Speaker, in strong

support of this conference agreement, and I do want to thank wholeheartedly the gentleman from New York (Mr. WALSH), the gentleman from Alaska (Mr. YOUNG), the gentleman from West Virginia (Mr. MOLLOHAN) for their indefatigable efforts to increase two important agencies in our Nation's scientific enterprise, NASA and the National Science Foundation. I have a deep concern that the very tight budget allocations that were imposed on that House bill did not provide these agencies with adequate funding, and I am pleased that the conference report increases the House levels and restores enough funding for these agencies to sufficiently meet their critical national missions.

As my colleagues know, before this conference report there might have been a loss of about 2,500 jobs and one half of them from Maryland, Virginia and the District of Columbia region, also impacting contractors. This is Goddard Space Center, university R&D, important scientific projects. Scientific research and growth is critical to our Nation's continued economic prosperity, and I want to commend the chairman for recognizing the importance of maintaining our technological preeminence.

I also want to comment that I am pleased that the conferees have funded the housing opportunities for persons with AIDS, the HOPWA program at $232 million. This is $7 million above the fiscal year 1999 program. This program enjoys wide bipartisan support, and it is the only Federal program that provides cities and States with the resources to specifically address the housing crisis facing people with AIDS, and it is also financially solvent. It saves us money actually doing that.

I further want to applaud the conferees for including provisions of H.R. 202 to provide grants to States to preserve privately owned affordable housing servicing low-income individuals and families. Additionally, this conference provides HUD with authority to offer enhanced vouchers to elderly and disabled residents.

Finally, I want to comment on the fact that $300,000 for the Potomac River Visions Initiative is included in this conference report. This long-range project will preserve and enhance the resources of the Potomac River watershed. My colleagues, you can see that I enthusiastically support this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the distinguished authorizer.

Mr. FRANK of Massachusetts. Mr. Speaker, the chairman and ranking member are entitled to congratulations for doing a very good job in very difficult circumstances. The difficult circumstances is the unrealistically low budget allocation that they were given, and I think the job they did as well as what they left undone, not because of their own faults, but because of what they had to work with, is very important for us to focus on. What they did was to show that we can work within a given amount of resources in both a bipartisan way, and we can also overcome some of the committee jurisdictional problems that sometimes beset us.

As the ranking Democrat on the Subcommittee on Housing and Community Opportunity, I work with the chairman, the gentleman from New York (Mr. LAZIO), along with the appropriators so the language that we developed and put through the House in the authorizing area to protect existing tenants in various subsidized programs is now made part of the law and funded simultaneously, and that is very important.

We have a lot of people out there in housing and have been out there for a while who were threatened with the loss of their housing, and they can now be assured, those who are in these programs, the section 8 program and the assisted housing program, that existing tenancies will be protected, and protected not just for a year, but as long as they are around; and I think that is a very important commitment that we ought to reaffirm.

In addition, I am very pleased that they voted some new vouchers because we have an enormous housing crisis in this country. We have millions of hard-working Americans who cannot afford to live decently or can do that only by biting into other parts of their income, and it was important that we did it. But it is also important to note how much we have left undone, and I want to say I am particularly struck that so many of my Republican colleagues have come to the floor and accurately praised this bill for funding government programs.

But let us be clear of what we are talking about. We are talking about my Republican colleagues joining us and congratulating ourselves for spending government money because there is too often a kind of semantic separation, a disconnect, in which everybody is for the particulars and nobody is for the general, and let us understand this.

One cannot have a whole that is smaller than the sum of the parts; one cannot be for more housing for the elderly, for adequately funding the National Science Foundation, take credit for better veterans' health, do more for environmental protection, and simultaneously boast at how little money they are spending, and that is the dilemma we are in. We have a political and idealistic attachment to striking the whole, while we have a realistic understanding of the importance of the parts, and the time has come no longer to subject people like the gentleman from New York and the gentleman from West Virginia to the need to do contortions, jumps and loops.

Let us get a more realistic overall amount so that next year when Republicans and Democrats again come and congratulate ourselves for intelligently spending tax dollars on various important social needs, we will have done it with a lot less acrobatics.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Speaker, let me first thank the gentleman from West Virginia and the gentleman from New York for a bill that really speaks to the needs of Hurricane Floyd victims in North Carolina. I toured last week on behalf of this Congress, and I saw the tragedy in its worst possible case. People can look to us here in Washington, the Federal Government. Because of this bill they know we care, they know we are going to do something to help them rebuild their lives and their businesses. They know that we are aware and will move as quickly as we can to help them in their hour of need again.

I thank the gentleman from West Virginia (Mr. MOLLOHAN) and the gentleman from New York (Mr. WALSH) for their efforts. A good bill. I heartily support it.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I am pleased to support the VA HUD conference agreement. I want to thank the chairman, the gentleman from New York (Mr. WALSH), and also the ranking member, the gentleman from West Virginia (Mr. MOLLOHAN), for their excellent work in dramatically improving this bill since it left this House. I also want to thank Secretary Cuomo for his tireless efforts and commitment to the housing needs of those with minimum resources in this country. As someone who represents one of the highest housing cost areas in the Oakland/San Francisco Bay area, I am especially supportive of this effort.

The conference report is really a better bill because it includes additional section 8 housing preservation and tenant protection. We are rapidly losing hard-gained section 8 housing because of high rents. This bill now allows for some rent increases to preserve such housing. It also gives additional protections to tenets by promoting housing preservation with specific mechanisms to bring in local resources to work with HUD to do everything possible to protect our existing housing stock for low income tenets.

The shocking fact of housing in this country is that there are from 5 million to over 12 million people who are in housing that is grossly substandard who have to pay over 50 percent of their income for housing. The Washington Post had an excellent story on this just 2 days ago. How we respond to such facts, to me, is a true test of our ethical and moral sense.

This bill comes a bit closer to our desperate housing needs by providing $690 million and 60,000 section 8 vouchers more than the House bill. It also better attends to the housing needs of our elderly and disabled by increasing

living facilities which are assisted, service coordinators, capital repairers, elderly housing debt forgiveness and other mechanisms; and for our very important veterans it provides 1.7 billion more than fiscal 1999 and 1.8 billion more than requested by the administration.

Of course like some, I too am not pleased with the funny accounting devices; but we must see this as a cup that is half full rather than half empty. I ask my colleagues to support the conference report.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER), a member of the Committee on Science.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this conference committee report, and I would just like to suggest that the people who are doing the work on VA–HUD appropriations have a very tough job.

□ 1145

It is, perhaps, one of the toughest assignments in Washington to try to handle the appropriations for VA–HUD, because it includes such a broad range of issues that we have to deal with and a broad range of concerns and interest groups.

I oversee the NASA budget in terms of the authorization side of the House, and I work very closely with the gentleman from New York (Mr. WALSH). And I want my colleagues to know that just the authorizing process is hard, and I know that the appropriations side of it has to be twice as hard with people putting pressure on us from all directions.

Those involved with this VA–HUD conference actually have had to deal not just with the authorizers versus the appropriators and NASA, but they have had to deal with pressures from interest groups from as wide a variety as any group in this Congress.

So I appreciate the job that they have done. I might have a few disagreements, but the fact is that they have done a good job with what they could do and especially in a time like this when there has been such maximum pressure on them from not only the different groups that need to be taken care of, but also the overall country's need to balance the budget and how to proceed with the budget restrictions that we have.

So I will be supporting this measure today, and I am very happy that we have established a good working relationship between the authorizers and the appropriators, and we will continue to try to do that in the time ahead. I ask my colleagues to join me in support of this conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank the gentleman for yielding to me. I strongly urge my colleagues to support the bill. This is a vastly improved bill over the original House bill because there are significant improvements in housing programs, NASA, EPA and veterans' medical care.

I especially want to compliment the gentleman from New York (Mr. WALSH), my friend and New York colleague, who really has done an excellent job in terms of putting this bill together and working to include everybody into this bill. Housing funding is increased $2.4 billion, raising the funding to $28.6 billion. NASA's budget increased. Veterans' medical care increased by $1.7 billion, and there is $3 million, of interest for me particularly, in the subcommittee report for renovations to the Bronx VA, the Veterans Administration, which will be working in connection with Mount Sinai School of Medicine. There is also $1 million in the subcommittee report for the Carl Sagan Center and the Children's Hospital at Montefiore Medical Center in Bronx, New York. Those are two very important programs.

So this bill is a vast improvement over the original bill. I look forward to voting for the bill today and working with the Chairman to make these projects a reality. I again want to compliment my friend, the gentleman from New York (Mr. WALSH), for the fine work that he has done.

Mr. WALSH. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. MCINTOSH).

(Mr. MCINTOSH asked and was given permission to revise and extend his remarks.)

Mr. MCINTOSH. Mr. Speaker, I want to commend my colleague from New York (Mr. WALSH) for his leadership on this VA–HUD bill, particularly for wrestling with many very difficult questions. One of them that we have taken up in my oversight subcommittee is the question of the EPA's continued effort to implement the Kyoto protocol, in spite of language that was put into the bill last year indicating that it was the intent of Congress not to use funds appropriated for that purpose.

I will report to the body and to the gentleman from New York (Mr. WALSH) that during the conference on October 6, Mr. Gary Guzy, who is the EPA's general counsel, reported and stuck by their position that they have the ability to regulate carbon dioxide, in spite of the fact that the structure of the statute, the intent of the Clean Air Act is that they do not have the authority to regulate that substance.

At this time, I would include a letter from the gentleman from Michigan (Mr. DINGELL), who is the ranking member on the Committee on Commerce and chaired the conference in 1990 when the Clean Air Act amendments were passed. His letter said, in part, ''The House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.''

I will include that letter at this point in the RECORD.

COMMITTEE ON COMMERCE,
Washington, DC, October 5, 1999.

Hon. DAVID M. MCINTOSH,
Chairman, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, Committee on Government Reform, Washington, DC.

DEAR MR. CHAIRMAN: I understand that you have asked, based on discussions between our staffs, about the disposition by the House-Senate conferees of the amendments in 1990 to the Clean Air Act (CAA) regarding greenhouse gases such as methane and carbon dioxide. In making this inquiry, you call my attention to an April 10, 1998 Environmental Protection Agency (EPA) memorandum entitled ''EPA's Authority to Regulate Pollutants Emitted by Electric Power Generation Sources'' and an October 12, 1998 memorandum entitled ''The Authority of EPA to Regulate Carbon Dioxide Under the Clean Air Act'' prepared for the National Mining Association. The latter memorandum discusses the legislative history of the 1990 amendments.

First, the House-passed bill (H.R. 3030) never included any provision regarding the regulation of any greenhouse gas, such as methane or carbon dioxide, nor did the bill address global climate change. The House, however, did include provisions aimed at implementing the Montreal Protocol on Substances that Deplete the Ozone Layer.

Second, as to the Senate version (S. 1630) of the proposed amendments, the October 12, 1998 memorandum correctly points out that the Senate did address greenhouse gas matters and global warming, along with provisions implementing the Montreal Protocol. Nevertheless, only Montreal Protocol related provisions were agreed to by the House-Senate conferees (see Conf. Rept. 101–952, Oct. 26, 1990).

However, I should point out that Public Law 101–549 of November 15, 1990, which contains the 1990 amendments to the CAA, includes some provisions, such as sections 813, 817 and 819–821, that were enacted as free-standing provisions separate from the CAA. Although the Public Law often refers to the ''Clean Air Act Amendments of 1990,'' the Public Law does not specify that reference as the ''short title'' of all of the provisions included the Public Law.

One of these free-standing provisions, section 821, entitled ''Information Gathering on Greenhouse Gases Contributing to Global Climate Change'' appears in the United States Code as a ''note'' (at 42 U.S.C. 7651k). It requires regulations by the EPA to ''monitor carbon dioxide emissions'' from ''all affected sources subject to title V'' of the CAA and specifies that the emissions are to be reported to the EPA. That section does not designate carbon dioxide as a ''pollutant'' for any purpose.

Finally, Title IX of the Conference Report, entitled ''Clean Air Research,'' was primarily negotiated at the time by the House and Senate Science Committees, which had no regulatory jurisdiction under House-Senate Rules. This title amended section 103 of the CAA by adding new subsections (c) through (k). New subsection (g), entitled ''Pollution Prevention and Control,'' calls for ''non-regulatory strategies and technologies for air pollution prevention.'' While it refers, as noted in the EPA memorandum, to carbon dioxide as a ''pollutant,'' House and Senate conferees never agreed to designate carbon dioxide as a pollutant for regulatory or other purposes.

Based on my review of this history and my recollection of the discussions, I would have difficulty concluding that the House-Senate conferees, who rejected the Senate regulatory provisions (with the exception of the above-referenced section 821), contemplated

regulating greenhouse gas emissions or addressing global warming under the Clean Air Act. Shortly after enactment of Public Law 101–549, the United Nations General Assembly established in December 1990 the Intergovernmental Negotiating Committee that ultimately led to the Framework Convention on Climate Change, which was ratified by the United States after advice and consent by the Senate. That Convention is, of course, not self-executing, and the Congress has not enacted implementing legislation authorizing EPA or any other agency to regulate greenhouse gases.

I hope that this is responsive.

With best wishes,

Sincerely,

JOHN D. DINGELL,
Ranking Member.

Mr. MCINTOSH. Mr. Speaker, the law and the legislative history is clear about this point, and there are some questions that still remain in this bill because it contains the language, which I wholly endorse, authored by the gentleman from Michigan (Mr. KNOLLENBERG) saying that EPA cannot spend funds to further implement the Kyoto protocol, but there are some unanswered questions in the legislative report whether the House intent on that or the Senate intent prevails, or, as I would hope would happen, they would both be governing on the executive branch as they spend funds from this bill.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume.

With regard to the previous speaker's comments, I would just like to make clear that there have been efforts as the process has moved forward, both this year and last year, to effect authorizations in the clean air area on our appropriation bill. It is a particularly complicated subject, difficult for the authorizers to deal with, as is evidenced by the way it is dealt with by them, and the appropriations bill is a particularly inappropriate place to try to deal with them.

The appropriations process is an inappropriate place to deal with clean air authorizing issues; trying to impact interpretations in that area and comments as we debate a conference report is equally or more inappropriate place to deal with it. There is a difference on the Kyoto issue between the House and the Senate report. The administration has its interpretation of that.

Going back to the compromise language on Kyoto that was contained in last year's appropriation report, they would maintain that that is the interpretation that applies this year. The gentleman can add his interpretation on that and they can debate it, but I would submit that comments offered in the course of this debate on this conference report do not impact the legislative intent in any way with regard to the Kyoto issue.

Mr. WALSH. Mr. Speaker, I have no further requests for time at this time, so I will reserve the balance of my time.

Mr. MOLLOHAN. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in strong support for the VA–HUD conference report.

When the bill was debated on this floor, I offered two amendments. One would have restored funding for HOPWA, the Housing Opportunities for People With AIDS, to the level of the fiscal year 1999 budget which was provided for in the Senate bill, but was not provided for in the House bill. The HOPWA amendment was accepted by this body.

Unfortunately, the second amendment which I offered which sought to increase funding for new Section 8 vouchers; that is, to provide funding for new Section 8 vouchers and increase the public housing operating fund was not accepted.

I am happy that reason and compassion have prevailed in the conference report. The conference report provides $347 million to fund 60,000 new Section 8 housing vouchers and to increase the public housing operating fund. Furthermore, HOPWA's funding was increased by $7 million above the Senate level. The report will go a long way in assisting people with AIDS and assisting people in finding affordable housing to make the necessary repairs they so desperately need. We have not provided new Section 8 housing vouchers for over 2 years.

The need for housing assistance remains staggering. Today, over 5 million low-income families pay more than 50 percent of their income for rent or live in severely substandard housing. Not one of these 5 million families receives any Federal housing assistance. Their needs are desperate and in this bill today, in this conference report, we have chosen to begin to address the severity of those needs; and that is progress.

So again, I urge support of the VA–HUD conference report.

Mr. MOLLOHAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to applaud the work of my colleagues in the House and the other body.

Two months ago, the Committee on Appropriations reported out a House spending bill that cut $1 billion from critical housing programs. This was done while our Nation faces a dire crisis in housing. In Chicago alone, 35,000 families are on the waiting list for public housing; and, across the country, over 5 million households faced worst-case housing needs. Not only were these cuts proposed in the face of great need, but they were proposed in a time of great plenty. Our economy is in the middle of its strongest run ever, and the Federal Government is reporting budget surpluses. It hardly seemed like the time to cut critical investment in housing for seniors, families, and others on low and fixed incomes.

Today, however, House and Senate conferees have improved that bill and are reporting a bill that actually increases spending for housing. There is over $400 million more than the President requested for public housing programs. Homeless assistance is increased $25 million over last year. The HOPWA program will receive $7 million more than last year. Housing for persons with disabilities will receive $5 million more than last year. Housing for our Nation's elderly will get $50 million more than last year, and the conferees funded 60,000 new rental vouchers for families to use in the private rental market.

Moreover, the conference increased spending in economic development programs. These programs allow State and local governments to encourage business and create good-paying jobs. When the housing budget was first proposed late last summer, I and other colleagues in the House and people and organizations across the country rose in outrage. We ought to have fought cutting housing when we had so much while so many people had so little. But now, I am happy to rise and applaud the final product, which has done an about-face and increases investment in people by increasing our investment in their housing and jobs.

I urge my colleagues to give a resounding vote in favor of this bill.

Mr. MOLLOHAN. Mr. Speaker, I reserve the balance of my time.

Mr. WALSH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KNOLLENBERG), a member of the subcommittee.

Mr. KNOLLENBERG. Mr. Speaker, I do appreciate the time. I just want to respond to the gentleman from Virginia, Mr. MOLLOHAN. He and I have had a lot of agreements; we have had some disagreements. And I notice that in his comments he made reference to language that appeared in the fiscal year 1999 report. I am here to say that we differ strongly on that; and I think as a Member of this committee, as a senior Member, that I should state that the language, the intent of both the House and the Senate should be referred to. It should be referenced, and it should not just simply be fiscal year 1999, because that language is in the ash can of history, in my judgment. We should look at fiscal year 2000.

So my belief is that it is important that I at least get that out as an additional view of this report. It does not say that we are not going to have this debate in the future, but I do believe it is clear that he and I differ. And I think I should get that report, that comment on the record.

Mr. MOLLOHAN. Mr. Speaker, I yield myself such time as I may consume. Regrettably, I feel compelled to respond to the gentleman from Michigan.

If he is trying to establish a legislative history with regard to the Kyoto language, I repeat that I think this is a poor place to do it. The facts are that there is language in the House report on that subject. The language in the

Senate report differs, and there could not be any consensus drawn of the congressional intent with regard to that topic by looking at the 2000 report, the report accompanying this bill. The language in the 1999 report accompanying the VA appropriations was agreed to by both the House and the Senate.

I leave it to the lawyers, if it gets to that, to debate what actually reflects the legislative intent of the Congress on that topic. However, I would note that the Senate worked long and hard for 2 years now on this language. That language was agreed to by both bodies in last year's report. This year, there was not agreement on the Kyoto language between the House and the Senate. So that I do not think one can draw a conclusion that the Congress has spoken on that issue in unison this year.

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On the other hand, one could draw a conclusion that the last time the Congress spoke on the issue in agreement was in the 1999 report.

Not that this clarifies anything, except to suggest that I would not agree with the gentleman that the language coming out of the report accompanying this year's bill would determine legislative intent in any way on this topic.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALSH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just take one second, once again, to thank my colleague, the gentleman from West Virginia (Mr. MOLLOHAN), for his cooperation on this bill. I have enjoyed working with the gentleman.

Mr. MOLLOHAN. Mr. Speaker, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Speaker, I would like to conclude with similar expressions of appreciation for his many courtesies during this process, and for his allowing the minority all along the process to participate in a very meaningful way in bringing this bill to the floor.

Again, I repeat that it is a testament to his skill and legislative leadership that we are bringing this kind of a bill to the floor in a very bipartisan way in a year in which it is terribly difficult to do that.

If the chairman would allow me to express appreciation to members on the minority side of the subcommittee, to the gentlewoman from Ohio (Ms. KAPTUR), the gentlewoman from Florida (Mrs. MEEK), the gentleman from North Carolina (Mr. PRICE), and the gentleman from Alabama (Mr. CRAMER), they were all very hard-working members on the subcommittee throughout the year to bring this bill where we are today.

I very much appreciate their efforts in working with them, as well as the chairman and the majority members.

Mr. SAWYER. Mr. Speaker, I note that the statement of the managers in the VA–HUD FY 2000 Conference Report directs HUD to honor its prior agreements for Section 8 projects which already have gone through one of the Reengineering Demonstration Programs and entered into a HUD use agreement providing for budget-based rents. This direction was inserted in the conference report to ensure that the limited number of such projects which did not also have their mortgages restructured at the time, would not now have to go through a mortgage restructuring—which can only be done at significant cost and expense to the project and to the government.

One such project, Canal Park Tower, is located in my district in downtown Akron, Ohio, where it provides more than 190 efficiency units for the elderly and disabled. Canal Park Tower provides on-site congregate meals and support services for the project's residents. Canal Park Tower is an important element in Akron's effort to meet the needs of its low-income elderly and disabled.

Last Year, after receiving a Section 8 commitment from HUD, the owner entered into a use agreement with HUD under which the project's rents were reset on a budget basis instead of being restructured. Under the use agreement, the owner was required to continue to accept Section 8 assistance and to continue to provide low-income housing for a 20-year period. The owner had earlier made a different proposal to HUD which involved mortgage restructuring. In the end, HUD determined the project inappropriate for mortgage restructuring. At HUD's insistence, the project went forward with budget-based rents.

The Managers recognized that it would be unfair at this late date to force the owner to go through a mortgage restructuring. In doing so, the managers have resolved a nagging issue that has worried residents and low-income housing advocates throughout Akron. I am sure I am not alone in commending them for their attention to this narrow issue.

Mr. CAPUANO. Mr. Speaker, I rise in support of the FY 2000 VA–HUD and Independent Agencies Appropriations Conference Report. My colleagues have worked hard to craft a bill that a majority of us can support, and I applaud their efforts. The conference report provides vital funding to help address our nation's housing needs, fund science and technology research, and keep our commitment to our veterans.

Although the bill does not fund all of our housing priorities, it does take a significant step towards helping low- and moderate-income Americans afford a safe place to live by providing 60,000 new Section 8 vouchers to help families with worst-case housing needs. The bill also provides substantial increases in support for public housing programs, homeless assistance, housing for persons living with AIDS, senior housing, and programs for disabled citizens.

The conference report also includes funding for economic development projects in our cities and towns. The Community Development Block Grants, HOME, and Brownfields Redevelopment programs all received additional funding in this bill.

In addition, the bill provides $70 million for the Urban and Rural Empowerment Zones. While this is substantially less than these communities were promised, I will continue to work with my colleagues to secure full funding for this important initiative next year.

With respect to Veterans Affairs, the conference report provides $44.3 billion for the programs and benefits administered by the Department of Veterans. This represents a four percent, or $1.7 billion, increase above Fiscal Year 1999 levels. Of the amounts provided in the conference report, $19.6 billion is for veterans medical care, $21.6 billion is for compensation benefits for veterans who suffer from service connected disabilities, $65 million is provided for construction and renovation on VA facilities, and $48 million is provided for transitional housing for the thousands of homeless veterans across the country.

Additonally, the conference report proclaims success for the future of cutting edge science and technology. NASA will receive $13.7 billion in Fiscal Year 2000. This is an eight percent increase from the original numbers previously proposed in the House of Representatives.

Through civilian space flight, exploration, scientific advancement, and the development of next-generation technologies, NASA has successfully ensured U.S. leadership in world aviation and space exploration. Clearly this bill represents a victory for the United States and its future in space exploration. While I regret that the International Space Station will only be funded at $2.3 billion, I am pleased that NASA has been given the resources to continue its mission to conduct space and aeronautical research, development, and flight activities to maintain U.S. superiority in aeronautics and space exploration. I look forward to promoting space endeavors in the future.

Along with NASA, the National Science Foundation (NSF) also was granted an eight percent increase over the original H.R. 2684 levels. With the $3.9 billion appropriated, NSF can continue to support basic and applied research, science and technology policy research, and science and engineering education programs. This bill provides $697 million for NSF to continue its math and science education initiatives.

Through grants, contracts, and cooperative agreements, NSF supports fundamental and applied research in all major scientific and engineering disciplines. NSF funding is a key investment in the future of advanced technologies and reaffirms America's strong and longstanding leadership in scientific research and education.

As a result of these long-awaited and anxiously anticipated increases in funding of critical programs that are key to our nation's well-being and future success, I am pleased to support this bill.

Mr. CRANE. Mr. Speaker, I rise today on the floor of the House of Representatives to speak in strong support of funding increases for the Department of Veterans Affairs. Last month I was proud to support the passage of H.R. 2684, the FY 2000 Veterans Affairs/Housing and Urban Development and Related Agencies (VA/HUD) Appropriations Act. The bill contained $1.7 billion more than FY 1999 and $1.8 billion more than the President's request for FY 2000 VA Appropriations.

The Veterans Integrated Services Network 12 (VISN 12) conducted a study and reported six options to save money within the VISN. Of the six options, only one would not move services from the North Chicago VA to other VA hospitals within the VISN, or completely close the North Chicago hospital. This option study was delivered to my office the day after the

House passed its version of H.R. 2684, thus preventing any legislative action by the House, which could prevent any reorganization or closure within VISN 12.

Today, I was pleased to read the Conference Report containing strong language to include veterans groups, medical schools having an affiliation with a VA hospital, employee representatives, and any other interested parties as stakeholders to be consulted by the Department of Veterans Affairs before any reorganization within VISN 12 occurs. Although, the VA hospital in North Chicago only borders my district, a large number of veterans from my district use the North Chicago hospital for treatment. Many of the veterans from the northeastern part of the state seek medical treatment at North Chicago, because the only other option is to travel a minimum of an hour either north to Milwaukee or south to Chicago.

Unfortunately, the Conference Report to H.R. 2684 increases spending $7.5 billion over the House-passed version, but does not provide additional funding for VA programs. However, the Conference Report does spend more money on programs like NASA, $13.7 billion, $999 million more than the House approved initially, $7.5 billion for EPA, an increase of $284 million over the House version and, $438.5 million for AmeriCorps, which the House version eliminated. Finally, the Conference Report restores a $3 billion reduction to the Tennessee Valley Authority's (TVA) borrowing authority just to name a few increases.

I am very supportive of our veterans in Illinois, but because of these increases in spending noted, I am unable to vote in favor of the Conference Report to H.R. 2684.

Mr. LEACH. Mr. Speaker, I rise today in support of the Conference Report to H.R. 2684, the ''FY 2000 VA, HUD and Independent Agencies Appropriations Act.'' Let me commend the Chairman of the Appropriations Subcommittee, Mr. WALSH, and the Ranking Member, Mr. MOLLOHAN, for their tremendous work in completing one of the most complex and jurisdictionally-diverse funding bills before Congress.

Mr. Speaker, I am particularly proud of provisions that are included in the bill before us under title V, entitled ''Preserving Affordable Housing for Seniors and Families into the 21st Century.'' This legislation is the product of months of work among Republicans and Democrats in both bodies and the Administration to deal with one of the most pressing social needs in recent years—the need for safe, secure, affordable housing.

Our proposal addresses the so-called Section 8 ''opt-out'' problem where hundreds of thousand of affordable housing units would have been at risk of being lost over the next several years as rental assistance contracts with the Federal Government expire in increasing numbers. Our legislation protects seniors, individuals with disabilities and low-income families living in assisted housing from displacement in opt-out circumstances, and encourages the preservation of the housing as affordable where possible. ''Preserving Affordable Housing for Seniors and Families into the 21st Century'' passed the House freestanding on September 27, 1999, by an overwhelming vote of 405 to five.

Mr. Speaker, the legislation before the House today is one of the most important housing bills in recent years, and would affect the lives of millions of low-income families across the country. The loss of affordable housing in my home state of Iowa first generated national attention to the critical nature of the problem. More than 15,000 families in Iowa, and more than 500,000 across the country would potentially be at risk of losing their homes if we do not act.

Without the cooperation and assistance of Members from both sides of the aisle as well as the Administration we could not be here today. Under the leadership of Secretary Andrew Cuomo, the U.S. Department of Housing and Urban Development has been a key player throughout the entire process in our efforts to protect vulnerable families from displacement and to preserve affordable housing. Our work together on this legislation is one of the most significant efforts of truly bipartisan cooperation of the 106th Congress.

Above all, let me recognize the Chairman of the Housing Subcommittee and author of the bill, Mr. LAZIO, for his leadership and tireless dedication to provide affordable housing and community development opportunities to those least able to provide for themselves.

Mr. LAZIO. Mr. Speaker, H.R. 2684, this year's VA, HUD and Independent Agencies Appropriations Act, is truly the culmination of bipartisan efforts to meet the critical shelter needs of many of our most vulnerable citizens. I want to commend my friend and fellow New Yorker, JIM WALSH, the Chairman of the VA/HUD and Independent Agencies Appropriations Subcommittee, for producing a bill of which all of us in the House and Senate can be proud. I also want to thank Mr. WALSH for working closely with me to ensure that certain provisions from housing authorization bills that I have sponsored and supported are included in this bill.

Let me briefly explain some of these provisions, which compose Title V of H.R. 2684. This portion of the bill contains many original provisions from H.R. 202, the ''Preserving Affordable Housing for Senior Citizens and Families into the 21st Century Act'' a bill Chairman LEACH and I introduced this year. Also contained in this appropriations bill are provisions from H.R. 1336, the ''Emergency Residents Protection Act,'' which was introduced by Chairman LEACH, Rep. Jim WALSH, and myself earlier this year. There are also parts of H.R. 1624, the ''Elderly Housing Quality Improvement Act'', introduced by Mr. LAFALCE, Ranking Member of the Banking Committee.

These various authorization bills have been the subjects of numerous Committee hearings during the 106th Congress. Majority and Minority Committee staff worked, along with the Administration, for the last several months to develop a bipartisan consensus product supported by the Committee Republican and Democratic leadership, and which combined the best ideas from these various pieces of legislation into a new H.R. 202. The Banking Committee reported out the resulting legislation by unanimous vote. H.R. 202 passed the House under suspension of the rules on September 27th by a vote of 405 to 5. In short, Mr. Speaker, the provisions of H.R. 202 enjoy overwhelming, bipartisan support.

Mr. Speaker, this bill encompasses a broad spectrum of ideas. And they are all the right ideas to help America's seniors and other vulnerable citizens find affordable housing.

On the horizon, a gray dawn is approaching where more and more Americans will live longer and enjoy more active, healthy lives. More than 33 million people in the United States are now 65 years of age and older, and by the year 2020 that number will grow to almost 53 million. That is one in every six Americans. In this environment of a graying population, we should celebrate this new-found longevity, but we must not overlook the fact that millions of senior citizens will suffer a crisis of safe, affordable housing if we fail to prepare for it. These senior citizens, who created the foundation of greatness of this nation that we all enjoy today, deserve to know that they will be taken care of.

These seniors are the same people who guided America through the Great Depression; the same people who served us on the front lines and on the assembly lines in world War II; the same people who led the nation to superpower strength following the war. Some may have even lost a leg or their sight in the war or in a factory accident. They have provided an almost unspeakable service to each and every American alive today and made sacrifices which some of us with fewer years can hardly imagine.

We would be failing them if we did not help provide them the same security they have given us. They deserve the sense of security that would come from knowing they can stay in their current housing and continue to build a life there. And they deserve the peace of mind that comes with knowing they have a place to lay their head at night.

This bill would provide that peace of mind. This bill in fact reauthorizes the Section 202 program, the primary method of federal assistance for low-income senior citizens, and the section 811 program, which provides affordable housing for disabled citizens. In addition, the legislation creates a commission to study elderly housing issues and recommend how best to provide for the elderly. This bill also contains streamlined refinancings of Section 236 projects so we can provide more resources to these projects for the benefit of the residents. Finally, certain reforms to the Section 811 program affecting the size of projects, supported by advocacy groups for the disabled, are also included in the legislation.

The provisions in this bill are designed to protect our seniors, the disabled, and our vulnerable families from displacement or drastic rent increases. Indeed, by incorporating much of H.R. 1336, Title V of this bill addresses the so-called Section 8 ''opt-out problem'', which is caused by owners opting not to renew their Section 8 contracts upon expiration. The Housing Subcommittee held hearings earlier this year on the problem of expiring Section 8 contracts, and found that a significant number of owners that were indicating they planned to ''opt out'' of the Section 8 program. Five hundred thousand units were ''at-risk'' over the next five years of being lost as affordable housing.

Mr. Speaker, the Section 8 opt-out problem was characterized by many as the most significant housing crisis facing our nation. With this bill, this Congress has taken affirmative, concrete action to solve this housing problem.

Finally, while some of the provisions of H.R. 202 are not included in Title V, we hope to accomplish many of the same goals through report language. As an example, this legislation directs HUD to streamline the existing Home Equity Conversion Mortgage program, allowing seniors more flexibility to maximize the equity in their homes. Mr. Speaker, to the extent that

certain reforms in H.R. 202, pertaining to the 202 elderly and 811 disabled program are not included in this bill, it is my intent to work with the Minority and our authorizing counterparts from the Senate to see that these improvements are in fact enacted in the next session. I look forward to that risk.

This bill truly incorporates a 21st century model of housing, where creativity and partnering combine to result in a compassionate piece of legislation that will result in security and peace of mind for some of our most cherished citizens. Today we stand with our seniors and provide them a variety of programs that will help them as they more into their twilight years.

I thank Chairman Walsh for his leadership, and thank all the members of the Appropriations Committee for working with the Republican and Democratic authorizers from the Banking Committee, in such a bipartisan manner to solve these problems.

Mr. MATSUI. Mr. Speaker, I rise to extend a sincere thanks to Chairman WALSH, and the Ranking Member, Mr. MOLLOHAN, for their support of funding Sacramento projects included in the conference report on H.R. 2684, the VA–HUD-Independent Agencies Appropriations for FY 2000.

I would first like to thank the committee in providing support to the Sacramento Combined Sewer System. The City of Sacramento's 100 year old combined sewer system is no longer capable of handling both the stormwater and sanitary wastewater flows it was designed to carry. The City remains committed to providing a minimum 50 percent of the cost share in meeting the construction-related needs of this project. It will complement overall efforts to improve the California Bay-Delta's water quality and will greatly assist the City's efforts to protect the public health. Most importantly, the project will stop the flow of sewage into City streets and the Sacramento River, which serves as the primary source of drinking water for more than 20 million Californians.

Additionally, I also appreciate the committee's continued support for the Sacramento River Toxic Pollutant Control Program. The Sacramento River currently exceeds water quality criteria recommended by the state of California and EPA for metals such as copper, mercury and lead. Past funding provided by Congress has been used to successfully organize a multiyear monitoring and management effort with a regional stakeholder group that includes representatives of federal, state, and local agencies, agriculture and industry organizations, environmental organizations, and public interest groups. Together, the region has developed an integrated water quality monitoring program in collaboration with other ongoing efforts in the watershed, leveraging resources among programs and producing consistent reliable information on important water quality characteristics. Continued funding will allow the region to move forward with critical steps needed in the development of the pollutant reduction plan.

Finally, I am grateful that the Committee was willing to provide much needed funding to the Franklin Villa Housing Development in Sacramento. The Sacramento Housing and Redevelopment Agency (SHRA), which serves the interests of both the City and the County of Sacramento, has identified Franklin Villa as one of the most pressing priorities for the region. Once a senior center, the units in Franklin Villa became privately held, most by absent organizations, national non-profit entities, local government representatives, and private sector companies such as Freddie Mac. SHRA also is working closely with the Department of Housing and Urban Development on issuers relating to the revitalization plan, including current efforts aimed at concluding a joint agreement on the management of HUD-owned units. With a full-scale revitalization plan developed, and with work continuing at the local and national levels to move the plan forward, the primary obstacle that remains is the availability of sufficient funding.

Existing housing programs from the Department of Housing and Urban Development such as the HOME Program and the HOPE VI Program cannot be brought to bear on the Franklin Villa project because these important programs only target public housing, not privately-held housing. Therefore, federal seed funding for the Franklin Villa project, absent congressional direction, would not be available.

Again, I remain grateful for the assistance given to these projects that are so vital to the needs of the Sacramento community. I commend the leadership of the committee and the commitment put forth by the conferees to address these important issues.

Mr. LAFALCE. Mr. Speaker, the VA/HUD Conference Report is a good bill for housing. Unlike the House-passed bill, the conference report addresses the twin goals of housing preservation and expanding affordable housing opportunities for the 5.3 million American families with worse case housing needs.

The conference report funds 60,000 new Section 8 vouchers, the second year in a row that we have provided incremental vouchers. The bill keeps our promise with last year's public housing reform bill—providing almost $700 million more for public housing than the bill passed by the House. And, it includes funding increases for critical housing programs like homeless prevention, elderly and disabled housing, housing for persons with AIDS, and fair housing enforcement.

Equally important, the bill provides a comprehensive response to the Section 8 ''opt-out'' crisis, which threatens us with the loss of hundreds of thousands of affordable housing units. By building on HUD's mark-up-to-market initiative, announced earlier this year, we preserve the best portion of our affordable housing stock and fully protect all tenants who live in units we are unable to preserve. This is a carefully crafted approach, which targets scarce resources to preserve projects in tight rental markets and protect tenants most at risk, while giving HUD flexibility to preserve additional housing.

The conference report is also a good bill for community development. Funding is provided for the APIC New Markets initiative, to leverage billions of dollars of private capital for under-served and economically depressed areas. However, since such funding is conditioned on enactment of authorizing legislation, I call on the House to hold hearings and act expeditiously on this legislation.

The conference report also increases funding for CDBG, provides $70 million for Enterprise Zones and Empowerment Communities, and restores cuts made in the House bill in the brownfields redevelopment program.

Finally, I would like to express my appreciation to conferees for including a number of provisions from H.R. 1624, the ''Elderly Housing Quality Improvement Act,'' which I introduced earlier this year, along with Reps. VENTO, KANJORSKI, and a number of other members. Following is an explanation of the provisions from H.R. 1624 which are being included in the conference report.

A major focus of H.R. 1624 is the capital repair and maintenance of our federally assisted elderly housing stock. As units built in the 1970s and 1980s have aged, project sponsors, many of them non-profits, too often lack the resources for adequate repair and maintenance. There are four provisions in the conference report that are taken from H.R. 1624 that give elderly affordable housing sponsors more resources and flexibility in this area.

Section 532(b) of the conference report [Section 3(d) of H.R. 1624] helps non-federally-insured Section 236 projects by letting them keep their ''excess income,'' as insured projects are currently allowed to do. Excess income is rent that uninsured projects can collect, but must currently give back to the federal government. This change will help non-profits who lack access to capital, and will help preserve Section 8 housing owned by for-profits.

Section 522 of the conference report [Section 2 of HR 1624] authorizes a new capital grant program for capital repair of federally assisted elderly housing units. Funds are to be awarded on a competitive basis, based on the need for repairs, the financial need of the applicant, and the negative impact on tenants of any failure to make such repairs.

Section 533 of the conference report [Section 3(b) of H.R. 1624] amends an existing grant program, created by the 1997 mark-to-market legislation, which authorizes HUD to make multi-year grants to federally insured affordable housing projects from funds recaptured when existing Section 236 projects prepay their loans and surrender their Interest Reduction Payment (IRP) subsidies. Section 533 of the conference report accelerates the availability of these multi-year grants to an up-front capital grant, so that sponsors may use the funds for much-needed capital repairs. This accelerated availability of funds is achieved at no cost to the government.

Finally, while not included in the conference report, Section 3(a) of H.R. 1624 was incorporated into the managers report language for the conference report. The intent of Section 3(a) of H.R. 1624 is to facilitate the refinancing of high interest rate Section 202 elderly housing projects. The managers report language tracks this provision by directing HUD to guarantee that a Section 202 sponsor may keep at least 50% of annual debt service savings from a refinancing—as long as such savings are used for the benefit of the tenants or for the benefit of the project.

A second major focus of the bill is to make assisted living facilities more available and affordable to lower income elderly. Assisted living facilities provide meals, health care, and other services to frail senior citizens who need assistance with activities of daily living. Unfortunately, poorer seniors who can't afford assisted living facilities are often forced to move into nursing homes, with a lower quality of life, at a higher cost to the federal government.

To address this affordability problem, Section 522 [Section 2 of H.R. 1624] of the conference report also authorizes funds under the newly created capital grant program to be

used for the conversion of existing federally assisted elderly housing to assisted living facilities. I would note that the VA/HUD bill funds $50 million in fiscal year 2000 under this authorization for the conversion of Section 202 properties to assisted living facilities.

Section 523 of the conference report [Section 5 of H.R. 1624] authorizes the use of Section 8 vouchers to pay the rental component of any assisted living facility. This would make 200,000 senior citizens currently receiving vouchers eligible to use such vouchers in assisted living facilities. This flexibility, designed to enhance the continuum of care, is accomplished at no cost to the federal government.

A third major area of focus of H.R. 1624 is the promotion of the use of service coordinators, which help elderly and disabled tenants grain access to local community services, thereby preserving their independence. Section 4(a) of H.R. 1624 doubled funding for grants for service coordinators in federally assisted housing—by authorizing $50 million in fiscal year 2000 for new and renewal grants. The conference report adopts this recommendation—by using this $50 million funding level.

Cumulatively, the provisions in H.R. 1624 which are being enacted into law through Title V of the conference report help seniors age in place, preserve their independence and self-sufficiency, and provide affordable alternatives to nursing home care.

Mr. BEREUTER. Mr. Speaker, this Member rises today in support of the conference report on H.R. 2684, the Veterans (VA), Housing and Urban Development (HUD) and Independent Agencies appropriations bill for fiscal year 2000. First, this Member would like to thank the distinguished Chairman of the VA, HUD, and Independent Agencies Appropriations Subcommittee (Mr. WALSH), the distinguished Ranking Minority Member (Mr. MOLLOHAN) and all members of the conference committee for the important but difficult work they did under the current tight budget constraints.

The conference committee undoubtedly struggled to complete the tough task of allocating limited resources among many deserving programs. As a Member of the House Banking Committee, the committee with jurisdiction over Federal housing programs, this Member is very interested in how funds are appropriated in this area. Although there are numerous deserving programs included in this funding bill, this Member would like to emphasize four points.

First, this Member especially appreciates the $550,000 Community Development Block Grant appropriation for the development in Lincoln, Nebraska, of the North 27th Street Community Center by Cedars Youth Services, Inc., a leading social service provider in the City of Lincoln. These funds will be used to construct a community center on the corner of 27th and Holdrege Streets to serve as the focal point for a variety of services and support to strengthen and revitalize the surrounding neighborhood. Social services, such as Head Start preschool classes, as well as neighborhood-strengthening activities, such as preventive health care and recreational opportunities, will be provided at the North 27th Street Community Center.

The site of this new community center in the Clinton School neighborhood contains the highest percentage of families living in poverty in Lincoln, has greater incidences of crime than most neighborhoods, and its local elementary school is experiencing an alarming dropout rate. The neighborhood has over 1,500 children living there, but no licensed child care center, no public library, no swimming pools, and no health care facilities. As a result of these deficiencies, the North 27th Street Community Center's primary focus would be children.

Second, this Member is very pleased that H.R. 2684 contains the largest appropriation ever, $19,386,700,000, to fund veterans health programs. Veterans fought to protect our freedom and way of life. As they served our nation in a time of need, the Federal Government must remember them in their time of need. The people of the U.S. owe our veterans a great deal and should keep the promises made to them.

Third, this Member, in particular, would like to comment favorably upon the treatment of some housing programs. Section 8, Section 184, Section 202, and Section 811 programs probably were funded as adequately we can under the budgetary restraints. In particular, this Member commends the $6 million appropriation for the Section 184 program, the American Indian Housing Loan Guarantee Program, which he authored. This seems to be a program with excellent potential which, this Member notes without appropriate modesty in recognizing the support received from many colleagues, is for the first time providing private mortgage fund resources for Indians on reservations through a Federal Government guarantee program for those Indian families who have in the past been otherwise unable to secure conventional financing due to the trust status of Indian reservation land.

Fourth, this Member is pleased that the conference report restores funding for Americorps at the FY99 level.

Mr. Speaker, in closing, this Member urges his colleagues to support the conference report on H.R. 2684.

Mr. SENSENBRENNER. Mr. Speaker, H.R. 2684, the Department of Veterans Affairs, Housing and Urban Development, and Independent Agencies Appropriations Act for Fiscal Year 2000 is the most critical funding bill for American science.

All scientific endeavors we marvel at today started with intensive basic research. Today's basic research is the seedcorn for our future economic endeavors and basic research has provided the scientific foundation for all the significant discoveries we have made in medicine, telecommunications and manufacturing. This conference report recommends a level of $3.912 billion for NSF and will provide a $240 million boost to NSF activities over the FY 1999 enacted level. Included in this amount is $2.996 billion for the Research and Related Activities account. This is nearly $200 million or 7% over the FY99 level and will support crucial research activities at NSF.

Key among these activities is the support for basic research in Information Technology (IT). The conferees have increased funding for IT by over $126 million from last year's level, more than was apportioned in either the House or Senate FY 2000 bills. Included in this amount is $36 million for Terascale computing. These large increases are in keeping with the legislative intent set out in H.R. 2086, the Networking and Information Technology Research and Development Act (NITRD) of 1999.

H.R. 2086 charts a new course for IT research at the federal level. The Committee on Science passed the bill by a vote of 41–0. I expect the bill will be taken up by the full House prior to our recess. The bill has been endorsed by the co-chairs of the President's Information Technology Advisory Commission (PITAC) as well as numerous other university and industry groups that recognize the need for long-term support of IT research. I thank the conferees for appropriating sufficient funds for NITRD and making the programs authorized in H.R. 2086 a reality. This investment in IT research will pay large dividends for future generations of Americans.

NSF is not the only agency that falls under the purview of IT research in this funding bill. National Aeronautics and Space Administration (NASA) and the Environmental Protection Agency (EPA) are both funded at levels consistent with H.R. 2086. Both of these agencies have important roles to play in furthering basic IT research.

Also included in this bill is a provision to rename the United States-Mexico Foundation for Science in commemoration of the Science Committee's former Chairman and Ranking Member, George E. Brown. George was dedicated to improving scientific collaboration between the United States and Mexico. The George E. Brown/United States-Mexico Foundation for science is a fitting tribute to a man known by his colleagues as ''Mr. Science.''

The Environmental Protection Agency (EPA) is funded at an overall level of $7.592 billion. Within this amount, $645 million is devoted to EPA science and technology programs. This is adequate funding for EPA's science and technology needs.

Under this conference agreement, NASA is funded at $13.653 billion. This amount is $75 million above the President's request and $12 million below the FY1999 enacted level. Within this amount, the International Space Station is funded at $2.33 billion, $30 million more than FY 1999 and $152 million below the President's request. In the past, the cost growth associated with the Space Station program has resulted in cuts to critical science programs at NASA. The $2.33 billion level should enable NASA to meet station obligations without robbing from critical science programs.

Likewise, a recent NASA Inspector General's report raises serious questions over whether the Triana spacecraft represents the best use of NASA's limited research dollars. This bill requires a study by the National Academy of Sciences regarding the scientific merit of the Triana project before work can proceed. I can only hope that the Academy will look at the relative merit of funding Triana as it compares with other NASA programs such as Space Science. Unfortunately, it appears that the review will not focus on how the mission was originally selected, thus, leaving the NASA IG's questions unanswered. Certainly, the NASA resources committed to Triana would be better spent on science projects selected through a peer review process. Restoring funding to Space Science, which has made such strides in performing NASA missions ''faster, cheaper, and better'' would be a better use of limited resources.

Unfortunately, despite the strong commitment to science incorporated within this bill, NASA's decision to end-run the joint efforts by House and Senate authorizers by insisting on

the inclusion of a damaging legislative rider requires my opposition to this bill. NASA's legislative rider threatens the future of space commercialization and was slipped into this otherwise scientifically sound bill without a single hearing or any public debate. This new commercial development program puts NASA in the untenable position of weighing business risks, market potential, and an individual venture's probability of success. NASA, as a federal agency, is not competent to make these decisions, which are best left to private markets. The Science Committee has been working with NASA and the private sector to address the area of space commercialization. Yet NASA decided to skirt public debate and secure its own preeminence in an area outside of its capabilities. This demonstrates a callousness and arrogance that I cannot support or condone. As a long-time supporter of NASA, I'm deeply disappointed the agency would choose to intentionally circumvent the Science Committee, its strongest congressional advocate.

Therefore, Mr. Speaker, despite the fact that I support the increased funding levels for science in this measure, I cannot support this conference report.

Mr. WALSH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. FOLEY). Without objection, the previous question is ordered on the conference report.

There was no objection.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 18, not voting 10, as follows:

[Roll No. 500]

YEAS—406

Abercrombie	Brady (PA)	DeFazio
Ackerman	Brady (TX)	DeGette
Aderholt	Brown (FL)	Delahunt
Allen	Brown (OH)	DeLauro
Archer	Bryant	DeLay
Armey	Burr	DeMint
Bachus	Burton	Deutsch
Baird	Buyer	Diaz-Balart
Baker	Callahan	Dickey
Baldacci	Calvert	Dicks
Baldwin	Camp	Dingell
Ballenger	Campbell	Dixon
Barcia	Canady	Doggett
Barr	Cannon	Dooley
Barrett (NE)	Capps	Doolittle
Barrett (WI)	Capuano	Doyle
Bartlett	Cardin	Dreier
Barton	Castle	Duncan
Bass	Chambliss	Dunn
Bateman	Clay	Edwards
Becerra	Clayton	Ehlers
Bentsen	Clement	Ehrlich
Bereuter	Clyburn	Emerson
Berkley	Coble	Engel
Berman	Collins	English
Berry	Combest	Eshoo
Biggert	Condit	Etheridge
Bilbray	Cook	Everett
Bilirakis	Cooksey	Ewing
Bishop	Costello	Farr
Blagojevich	Cox	Fattah
Bliley	Coyne	Fletcher
Blumenauer	Cramer	Foley
Blunt	Crowley	Forbes
Boehlert	Cubin	Ford
Boehner	Cummings	Fossella
Bonilla	Cunningham	Fowler
Bonior	Danner	Frank (MA)
Bono	Davis (FL)	Franks (NJ)
Borski	Davis (IL)	Frelinghuysen
Boucher	Davis (VA)	Frost
Boyd	Deal	Gallegly
Ganske	Luther	Roybal-Allard
Gejdenson	Maloney (CT)	Royce
Gekas	Maloney (NY)	Rush
Gephardt	Manzullo	Ryan (WI)
Gibbons	Markey	Ryun (KS)
Gilchrest	Martinez	Sabo
Gillmor	Mascara	Sanchez
Gilman	Matsui	Sanders
Gonzalez	McCarthy (MO)	Sandlin
Goode	McCarthy (NY)	Sawyer
Goodlatte	McCollum	Saxton
Goodling	McCrery	Schakowsky
Gordon	McDermott	Scott
Goss	McGovern	Serrano
Graham	McHugh	Sessions
Granger	McIntosh	Shaw
Green (WI)	McIntyre	Shays
Greenwood	McKeon	Sherman
Gutierrez	McKinney	Sherwood
Gutknecht	McNulty	Shimkus
Hall (OH)	Meehan	Shows
Hall (TX)	Meek (FL)	Shuster
Hansen	Meeks (NY)	Simpson
Hastert	Menendez	Sisisky
Hastings (FL)	Metcalf	Skeen
Hastings (WA)	Mica	Skelton
Hayes	Millender-McDonald	Slaughter
Hayworth	Miller (FL)	Smith (MI)
Herger	Miller, Gary	Smith (NJ)
Hill (IN)	Miller, George	Smith (TX)
Hill (MT)	Minge	Smith (WA)
Hilleary	Mink	Snyder
Hilliard	Moakley	Souder
Hinchey	Mollohan	Spence
Hinojosa	Moore	Spratt
Hobson	Moran (KS)	Stabenow
Hoeffel	Moran (VA)	Stark
Holden	Morella	Stearns
Hooley	Murtha	Stenholm
Horn	Myrick	Strickland
Houghton	Nadler	Stump
Hoyer	Napolitano	Stupak
Hulshof	Neal	Sununu
Hunter	Nethercutt	Sweeney
Hutchinson	Ney	Talent
Hyde	Northup	Tancredo
Inslee	Norwood	Tanner
Isakson	Nussle	Tauscher
Istook	Oberstar	Tauzin
Jackson (IL)	Obey	Taylor (MS)
Jackson-Lee (TX)	Olver	Taylor (NC)
Jenkins	Ortiz	Terry
Johnson, E. B.	Ose	Thomas
Johnson, Sam	Owens	Thompson (CA)
Jones (NC)	Oxley	Thompson (MS)
Jones (OH)	Packard	Thornberry
Kanjorski	Pallone	Thune
Kaptur	Pascrell	Thurman
Kasich	Pastor	Tiahrt
Kelly	Payne	Tierney
Kennedy	Pease	Toomey
Kildee	Pelosi	Towns
Kilpatrick	Peterson (MN)	Traficant
Kind (WI)	Peterson (PA)	Turner
King (NY)	Petri	Udall (CO)
Kleczka	Phelps	Udall (NM)
Klink	Pickering	Upton
Knollenberg	Pickett	Velazquez
Kolbe	Pitts	Vento
Kucinich	Pombo	Visclosky
Kuykendall	Pomeroy	Vitter
LaFalce	Porter	Walden
LaHood	Portman	Walsh
Lampson	Price (NC)	Wamp
Lantos	Pryce (OH)	Waters
Largent	Quinn	Watkins
Larson	Radanovich	Watt (NC)
Latham	Rahall	Watts (OK)
LaTourette	Ramstad	Waxman
Lazio	Rangel	Weiner
Leach	Regula	Weldon (FL)
Lee	Reyes	Weldon (PA)
Levin	Reynolds	Weller
Lewis (CA)	Riley	Wexler
Lewis (GA)	Rivers	Weygand
Lewis (KY)	Rodriguez	Whitfield
Linder	Roemer	Wicker
Lipinski	Rogan	Wilson
LoBiondo	Rogers	Wise
Lofgren	Rohrabacher	Wolf
Lowey	Ros-Lehtinen	Woolsey
Lucas (KY)	Rothman	Wu
Lucas (OK)	Roukema	Wynn
		Young (FL)

NAYS—18

Boswell	Coburn	Filner
Chabot	Crane	Hefley
Chenoweth-Hage	Evans	Hoekstra
Holt	Paul	Schaffer
Hostettler	Salmon	Sensenbrenner
McInnis	Sanford	Shadegg

NOT VOTING—10

Andrews	Jefferson	Scarborough
Carson	John	Young (AK)
Conyers	Johnson (CT)	
Green (TX)	Kingston	

☐ 1223

Mr. MCINTOSH changed his vote from ''nay'' to ''yea.''

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. JOHNSON of Connecticut. Mr. Speaker, on rollcall No. 500, I was on the floor, inserted my voting card, but for some unexplained reason my vote was not recorded. I meant to have voted ''yea.''

MOTOR CARRIER SAFETY ACT OF 1999

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 329 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 329

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against the bill and against its consideration are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered by title rather than by section. Each title shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in part B of the report of the Committee on Rules, if offered by a Member designated in the report. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments

so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill, as amended, and any further amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time is yielded for the purposes of debate only.

Mr. Speaker, the legislation before us today is an open rule providing for 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against the bill and against its consideration. The rule provides that the amendment printed in part A of the Committee on Rules accompanying the resolution shall be considered as adopted and that the bill as amended shall be opened to amendment by title.

The rule also provides for the consideration, before any other amendment, of the manager's amendment printed in part B of the Committee on Rules report, which shall be considered as read; may amend portions of the bill not yet read for amendment and shall not be subject to a division of the question.

Clause 7 of rule XVI prohibiting nongermane amendments is waived against the amendment printed in part B of the Committee on Rules report. The rule allows the chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Members who have pre-printed their amendments in the RECORD prior to their consideration will be given priority in consideration to offer their amendments if otherwise consistent with House rules.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, the underlying legislation, the Motor Carrier Safety Act of 1999, is very important legislation.

□ 1230

Many of my constituents have contacted me with their concerns related to safety on our highways. The House Committee on Transportation and Infrastructure responded to, not only my request, but also other concerns that Members had in this body by holding a series of hearings on this issue earlier this year.

Consensus emerged from those hearings that highway safety was not receiving the level of attention it should as part of the Federal Highway Administration.

Today, the House makes a significant step toward safer highways by doubling grants to the States for roadside inspections and imposing tougher fines for repeat violators of Federal truck safety regulations.

The bill also establishes minimum fines for all violations and requires drivers who have their licenses revoked to serve their full suspensions.

The bill upgrades the Federal Highway Administration's office of Motor Carrier to a separate administration within the Transportation Department.

The bill also increases truck inspections at the border to ensure that Mexican trucks entering the United States comply with all U.S. and safety truck regulations.

Truck-related highway accidents impose a huge cost on our society. These costs can be reduced without burdening truckers and the people who depend on them, and that is exactly what this legislation does.

Mr. Speaker, the Motor Carrier Safety Act passed the 75-member Committee on Transportation and Infrastructure with only 2 nays. Last night, the rule for this legislation passed by unanimous vote in the Committee on Rules.

Mr. Speaker, I urge my colleagues to continue this bipartisan manner under which this legislation was crafted, and to support the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the customary time, and I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, this is an open rule providing for the consideration of H.R. 2679, the Motor Carrier Safety Act of 1999.

The rule provides the opportunity for the House to consider the underlying bill which would establish the National Motor Carrier Administration within the Department of Transportation.

Mr. Speaker, the interstates, highways and even rural blacktop roads of this Nation are shared by drivers responsible for everything from 18-wheelers to an old four-door sedan. The goal of this new agency would be to bring even more new scientific focus and energy to our efforts at making sure those vehicles and their drivers are operating as safely as possible.

The Motor Carrier Safety Act of 1999 is the product of considerable discussion and input from highway safety advocates, organized labor, people in the truck and bus industries, and the government agencies responsible for oversight.

As stated in the report, the principal goal of the bill is to reduce the number and severity of large truck-involved fatal crashes.

Tragically, the number of fatalities involving large truck travel has been growing since early in this decade, and that rise in fatalities is projected to continue unless action is taken.

After considering a variety of options, the Committee on Transportation and Infrastructure determined that creating this separate agency, with safety as its top priority, would be the most effective approach.

Mr. Speaker, a number of high-profile accidents in Illinois, New Jersey, and Louisiana have raised troubling questions about loopholes in the system which licenses commercial drivers. These crashes have included multiple fatalities and injuries and are a call to action for this Congress and this Nation to set tougher standards and to close those loopholes. This bill is a response to that call.

Mr. Speaker, the rule does allow for several thoughtful amendments to be considered; and, therefore, I urge favorable consideration of this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania (Mr. SHUSTER), one of the most respected Members of this body, one of the most influential, who is the chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time. I rise in strong support of this rule and this legislation.

Mr. Speaker, moments ago, the gentleman from Minnesota (Mr. OBERSTAR), the distinguished ranking member of the Committee on Transportation and Infrastructure, and I introduced legislation, H.R. 3072, requiring Great Britain to open up its skies and its airports to U.S. planes; and, indeed, if they fail to do so, requiring our government to renunciate the Bermuda II agreements.

In the past several years, both the Bush and the Clinton administrations have been very successful in negotiating open skies agreements so we can compete around the world with our aviation. Indeed, we have such agreements with 38 countries.

But Great Britain, which is supposed to be our closest ally, has refused to level the playing field so that U.S. carriers could compete in the London-to-U.S. market. It is time that we, not simply talk about it, but do something about it.

On October 18, Secretary Slater's people will be going to Great Britain to continue negotiations on several aviation matters. Indeed, I have met with

the Secretary. They understand we are deadly serious about this issue, and we look forward to Brits finally opening up the aviation market to U.S. carriers. If they do not do so, we will certainly be prepared to move forward to renunciate Bermuda II and thereby block all British airlines from flying into the United States.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the full committee.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Pennsylvania, my chairman, for yielding and compliment him on the decisiveness with which he has moved on this issue, particularly on the eve of renewed U.S.-UK bilateral aviation talks.

We are deadly serious. This is serious business to introduce legislation of this nature to terminate an important aviation bilateral. But it is the only message I am convinced, as the chairman has just said, that our British negotiators will understand.

The significance of this market is that U.S.-UK service is about a $10 billion market. It is half of the $20 billion U.S.-Europe market. Our carriers have less than 37 percent of that market share, compared to other markets around the world where we have open skies bilaterals where our carriers have penetrated up to 60 percent of market share.

Those numbers simply underscore the seriousness of purpose with which the chairman and I are engaged in the message that we deliver to our Secretary of Transportation and to the British Minister of Transportation. That market has to be open; and if it does not, these are the tools the chairman has outlined we will invoke to ensure that serious steps will be taken in the future.

I compliment the gentleman from Pennsylvania (Chairman SHUSTER) on his courage in moving forward.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Minnesota, and I emphasize we expect the Brits to show us a virtual immediate good-faith response at least on one route; and if that happens, then we can take the time necessary to work out the broader agreements.

Ms. SLAUGHTER. Mr. Speaker, I am happy to yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I urge support of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 329 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2679.

□ 1240

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, with Mr. FOLEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we are considering H.R. 2679, the Motor Carrier Safety Act of 1999. This is truly a comprehensive bill that reforms Federal motor carrier safety efforts.

Trucking is the biggest sector of the transportation industry in this country, moving over 85 percent of all freight in the U.S., and it continues to grow. We owe it to the driving public to ensure that the trucks with which they share the road are safe.

To ensure this safety, this bill creates a separate agency, the National Motor Carrier Administration, within the Department of Transportation. The agency will be dedicated to the truck and bus safety.

In the past, motor carrier safety oversight was housed within the Federal Highway Administration, where it had to compete with large Federal infrastructure programs for attention. The complexity and the growth of the trucking industry justifies the creation of an agency with a clear preeminent safety mission, focused on truck and bus safety. Trucking safety will now have the same organizational status within the Department as aviation safety, automobile safety, and maritime safety.

I want to emphasize, I spoke with Secretary Slater this morning. He tells me that the Administration is supportive of this legislation.

This bill is not just about moving around boxes on an organization chart, however. It is a new agency which will have the powers and the resources needed to do its job and to do it well.

The bill increases funding for Federal and State enforcement efforts, enabling States to put more inspectors on the roads and at the international border areas.

Finally, the bill makes important reforms to the commercial driver's license program and a number of other Federal motor carrier laws by closing loopholes and imposing tough penalties for repeat violators.

These measures will get truck safety enforcement efforts on track and allow us to recapture the momentum we had in the 1980s and early 1990s when truck-related fatalities dramatically declined. Indeed, I should emphasize that there was a significant decline in truck-related fatalities. But that has leveled out. We have not had an increase in truck fatalities; however, the decline which we were so happy to note in the past year seems to have leveled out.

We do not have a crisis in truck safety, but we do have a need to make sure that the gains which we previously realized in safety continue as we move into the next century. This bill is a pro safety bill that will improve highway safety for all Americans.

Mr. Chairman, I urge passage of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is important legislation. It is also very good, far-reaching, substantive safety legislation. I want to express my great appreciation to the gentleman from Pennsylvania (Chairman SHUSTER) for a splendid job of bipartisan crafting of this legislation for the inclusiveness that he has extended in crafting this bill and for his commitment to safety.

I want to express my appreciation also to the gentleman from Wisconsin (Chairman PETRI), the chair of the Subcommittee on Ground Transportation, and the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Subcommittee on Ground Transportation, for consistent, concerted efforts to develop a strong motor carrier safety bill that we can all support.

□ 1245

This legislation will give the Federal Government the direction, the incentives, and the resources it needs to improve safety in the trucking sector of our Nation's highways.

Every year crashs involving large trucks kill more than 5,300 people and injure in the range of 130,000 others. On any day, there are 14 deaths and 350 injuries. That is unacceptable.

Unless the Federal safety program is significantly improved, there will be more deaths and more injuries as the number of miles traveled by large trucks increases.

The Inspector General of the Department of Transportation, the General Accounting Office, and indeed our former colleague Norm Mineta, a former chairman of the committee who was assigned the task to review this issue by the Secretary of Transportation, Rodney Slater, and our own Subcommittee on Ground Transportation and the full committee all have concluded that the Federal Government program to ensure motor carrier safety has major deficiencies.

The studies found that DOT has not been conducting enough inspections of

commercial vehicles and of commercial drivers and that the penalties imposed for violations are too low to deter future violations. The studies also found that DOT rarely completes needed safety regulation on time.

More than 20 motor carrier safety rulemakings have been in process for between 3 and 9 years. That is just simply unacceptable. These rulemakings involve very important decisions, such as our service limits, permits for carrying hazardous materials, training standards for entry level drivers. They should not be languishing for years.

Databases at DOT are incomplete, unreliable. The Department lacks adequate personnel and adequate facilities at our borders to stop the influx of unsafe trucks. Perceived conflicts of interest have undermined the credibility of DOT's research program.

Since those troubling reports and analyses have been issued, the Secretary, to his great credit, has taken important steps to improve the effectiveness of the motor carrier safety program. Secretary Slater did not stand idly by wringing his hands denying the problems but, in fact, acknowledged that there were deficiencies and set about correcting them. But the Secretary does not have sufficient authority to go as far as is needed. This legislation gives him that authority, gives him the resources.

There are four principles, I believe, that underlie any motor carrier safety program. Safety should be the primary mission. Second, sound and credible research must be the foundation for good policy. Third, vigorous oversight and enforcement must be an essential part of the program. And fourth, there have to be adequate financial and personnel resources.

This bill addresses each one of those four principles. It creates a new administration, the National Motor Carrier Administration, within DOT. The new administration will have the direction, the incentives, the financial and the personnel resources needed to improve motor carrier safety. There will also be a regulatory ombudsman in this new administration with the authority to speed up rulemaking by assigning the additional necessary staff and the authority to resolve disagreements within the agency.

What pleases me most is that the bill follows the model in the spirit of the legislation, the model of the Federal Aviation Act of 1958, which established the FAA for the purpose of improving aviation safety. This bill directs the National Motor Carrier Administration to consider the assignment and maintenance of safety as the highest priority.

The clear intent, the clear encouragement, the obvious dedication of the Congress in this legislation is to the furtherance of the highest degree of safety in motor carrier transportation. With that statement, we put the whole body and thrust of this new entity on the path of safety.

The four top officials of the administration, the administrator, deputy administrator, chief safety officer, regulatory ombudsman, are each required under this bill to sign a performance agreement with specific measurable goals to carry out this safety strategy, including increasing the number of inspections and compliance reviews, eliminate the backlog in rulemaking, eliminate the backlog in enforcement cases, improve quality and effectiveness of databases, and improve inspection at our borders.

If those goals are met, these officials will be eligible for performance dividends of up to $15,000 each. In addition, agency employees as a group will be eligible for a bonus if the new entity makes sufficient progress toward accomplishing these goals.

The administration will have the resources it needs to do a better job because the bill will provide a substantial increase in guaranteed and authorized funding for motor carrier safety programs. The resources of the new administration will be 70 percent higher than current staffing standards at the Office of Motor Carriers in its current structure. That means $38 million a year more. Additional funding will help this new Motor Carrier Administration hire more inspectors and more attorneys to complete the rulemakings that are necessary.

Motor carrier safety grants to States, which are an important element and in fact the backbone of enforcement, motor carrier safety grants will be increased 68 percent. That is $65 million more in each of the fiscal years authorized under the bill. And there will be an additional $75 million a year for motor carrier safety grants above that guaranteed levels.

There are a number of program changes to improve safety by keeping dangerous drivers off the roads and enhancing oversight.

We, in this legislation, improve the consistency of commercial driver's licenses by closing loopholes and record-keeping and putting in place tougher penalties for crashes that cause fatalities, and we authorize DOT to decertify the Commercial Driver's License program of States that do not comply with these national requirements.

Finally, trucks entering the United States will face much more intensive oversight when DOT implements the new staffing standards for inspectors at our borders. There will be penalties high enough to make it clear to violators that they have got to be in compliance.

Maximum fines will be assessed for repeat offenders as well as for patterns of violations of our safety laws and regulations.

All in all, taken together in a comprehensive basis, this is a new era for motor carrier safety on America's highways.

Mr. Chairman, I reserve the balance of my time.

Mr. PETRI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us, the Motor Carrier Safety Act of 1999, is a comprehensive bill designed to improve truck and bus safety by strengthening Federal and State safety programs.

The bill creates a new National Motor Carrier Administration within the U.S. Department of Transportation to administer Federal motor carrier safety programs. It increases funding from the Highway Trust Fund for Federal and State safety efforts, and it tightens the commercial driver's license program.

For example, the bill gives the Secretary emergency authority to revoke the license of a truck or bus driver who is found to constitute an imminent hazard.

This year the subcommittee held 4 days of hearings on motor carrier safety issues. We heard from a broad range of witnesses, including the Department of Transportation, the Inspector General, the General Accounting Office, representatives of the truck and bus industries, organized labor, and highway safety representatives.

After listening to their testimony, we concluded that the best course of action that this committee could take for the safety of the Nation was to create this administration. The bottom line was that truck safety was just not getting the level of attention it should while it was part of the Federal Highway Administration.

The process of establishing this administration has already begun because of the inclusion in the Transportation Appropriations Act of a vision that prohibits the Federal Highway Administration from continuing to carry out motor carrier safety functions. The Secretary of Transportation has implemented this provision by creating a freestanding office.

The National Motor Carrier Administration is given increased funding for safety to allow for growth in the number of safety inspectors and in safety research. The bill authorizes $420 million over the next 3 years from the Highway Trust Fund for motor carrier safety grants, and these grants fund State safety enforcement efforts.

The bill also contains a number of programmatic reforms, including the closing of loopholes in the Commercial Driver's License, setting standards for fines, and improving border safety efforts.

The bill has bipartisan support. The Secretary of Transportation wrote to us on Tuesday in support of the legislation. It is an important bill that truly will improve highway safety, and I urge its immediate passage.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from West Virginia (Mr. RAHALL), ranking member of the Subcommittee on Ground Transportation.

Mr. RAHALL. Mr. Chairman, I thank the distinguished ranking member for yielding me the time. I want to commend him, as well as the gentleman from Pennsylvania (Chairman SHUSTER) and the gentleman from Wisconsin (Mr. PETRI), the subcommittee

chairman, for bringing the Motor Carrier Safety Act of 1999 to the floor today.

The fundamental problem that this legislation seeks to address is this: in recent years, the Office of Motor Carriers began to move away from a prescriptive regulatory regime to a performance-based program. This in and of itself is not bad.

However, in doing so, the Office of Motor Carriers sought to leap-frog rather than evolve; and a void was created, a void in fundamental inspection and enforcement activities and a void in leadership. This has caused a trickle-down effect on State programs and left us with inadequate compliance reviews, inspection levels, and a legacy of unpromulgated regulations.

In response, the pending legislation does three things. First, it seeks to rehabilitate the Office of Motor Carriers by establishing it as a separate entity within the Department of Transportation. In doing so, we are hoping to provide its programs with the emphasis and the priority that they deserve within the Department's pecking order.

Motor carrier safety, Mr. Chairman, should not be second to aviation safety. Motor carrier safety should not be second to railroad safety. Indeed it should, at the very least, be on par with them.

Second, this bill will make improvements to the Commercial Driver's License program, primarily by closing loopholes relating to the qualification of drivers.

Third, this bill will provide both truck and bus safety programs with greater financial resources, with some targeting taking place at border crossings.

I think we are at a crossroads here. We can quibble and we can quarrel about where motor carrier safety jurisdiction should rest, or we can seize the brass ring and pull these safety programs out of the quagmire they are currently wallowing in and by doing so do some real good for the American people and their safety.

Again, Mr. Chairman, I wish to commend the gentleman from Pennsylvania (Chairman SHUSTER); the gentleman from Wisconsin (Mr. PETRI), the subcommittee chairman; and the gentleman from Wisconsin (Mr. OBEY), the ranking Democrat, for their truly diligent and dedicated work on this legislation.

I wish to conclude by commending our Secretary of Transportation, Rodney Slater, as well, for not only supporting the pending legislation on behalf of the administration but for the efforts that he has made, especially since the enactment last week of the transportation appropriations bill and the truly dedicated efforts he and his staff have made to ensuring that the traveling public remain in a safe manner.

Mr. PETRI. Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Illinois (Mr. LIPINSKI), the ranking member of the Subcommittee on Aviation.

(Mr. LIPINSKI asked and was given permission to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Chairman, I want to thank the ranking member of the full committee for yielding me this time.

Mr. Chairman, I rise today in strong support of H.R. 2679. But specifically, I rise to say thank you to the gentleman from Pennsylvania (Chairman SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Wisconsin (Chairman PETRI), and the gentleman from West Virginia (Mr. RAHALL) for incorporating into the manager's amendment an amendment that I crafted along with my friend and colleague, the gentleman from New York (Mr. QUINN), regarding foreign trucks.

□ 1300

According to a letter from the Department of Transportation's Inspector General to the Senate transportation appropriations chairman, unsafe Mexican trucks have been found illegally in 28 States in violation of NAFTA.

Mr. Chairman, the full text of the letter is as follows:

U.S. DEPARTMENT OF TRANSPORTATION, OFFICE OF THE SECRETARY OF TRANSPORTATION,

Washington, DC, June 14, 1999

Hon. RICHARD C. SHELBY,

Chairman, Subcommittee on Transportation, Committee on Appropriations, Washington, DC.

DEAR CHAIRMAN SHELBY: At the February 9, 1999 hearing before your committee on the Top Ten Management Issues within the Department of Transportation, you asked if Mexican trucks drive beyond the commercial zone boundaries of the four border states. The answer is ''yes'', even though Mexican trucks are not authorized to go beyond the commercial zones.

All interstate motor carriers operating in the United States, including Mexican motor carriers operating in the commercial zones, are required to obtain a Department of Transportation (DOT) identification number and to display this unique identifying number on their commercial trucks. We used the identification number to get the information needed to answer your question.

Under the Motor Carrier Safety Assistance Program, state safety inspectors perform roadside inspections of commercial trucks and drivers throughout the United States to ensure compliance with U.S. safety regulations. Therefore, Mexican trucks operating inside or outside the commercial zones are subject to roadside inspections.

The Office of the Inspector General extracted the DOT identification numbers for motor carriers identified as domiciled in Mexico from the Office of Motor Carriers Management Information System. We compared these unique numbers to the FY 1998 roadside inspections of commercial vehicles also contained in the Office of Motor Carriers Management Information System. The results of our comparison indicate that:

Roadside inspections were performed beyond the boundaries of the commercial zone on 68 motor carriers identified as domiciled in Mexico, and were performed more than once for 11 of the 68 carriers.

Roadside inspections were performed on the 68 motor carriers at least 100 times in 24 states on the U.S.-Mexico border, which include the States of New York, Florida, Washington, Montana, North Dakota, Colorado, Iowa, South Dakota, and Wyoming.

Roadside inspections were also performed on the 68 motor carriers outside the commercial zones but within the four border states (Arizona, California, New Mexico and Texas) more than 500 times.

This demonstrates that Mexican trucks are operating well beyond the designated commercial zones. Enclosed is a copy of our recent report on the Department's Motor Carrier Safety Program. It identifies the current problems that impact negatively on motor carrier safety together with recommendations to address those issues.

If I can answer any questions, or be of further assistance, please feel free to contact me at 366–1959 or my Deputy, Raymond J. DeCarli at 366–6767.

Sincerely,

KENNETH M. MEAD,
Inspector General.

Mr. Chairman, current law only allows Mexican trucks to travel into a small NAFTA commercial zone in the four border States. But as Members can see from this map, Mexican motor carriers have ignored the present law and have traveled all around the country, from Oregon to my home State of Illinois, to New York. Why do they ignore the law? Because there is no strong enforcement mechanism with which to punish violators of NAFTA. The current fine is only $500. Clearly, we need to strengthen these fines, and that is exactly what the gentleman from New York and I worked with the committee's leadership to have included in the manager's amendment.

The manager's amendment raises the fine up to $10,000 with a possible disqualification for the first offense, and up to $25,000 and a guaranteed disqualification for a second offense. Surely, Mr. Chairman, Mexican and foreign motor carriers will think twice about violating our laws with such a stiff penalty. But this begs the question: Why has the Department of Transportation not done anything up to this point? Does this administration not care about executing international treaties and the laws of this country? Why has the $500 fine, which is measly, not been enforced by the Department of Transportation? They have not bothered to issue one fine for 68 motor carriers that have gone beyond the commercial zone. Why? Has this administration bowed down to the altar of free trade so much that they are afraid to execute their own laws?

Hopefully, these new penalties will give the DOT the teeth and the motivation to enforce current law. If they do not enforce the law, Mr. Chairman, the American people will suffer the consequences. The DOT Inspector General found that only 1 percent of the 3.7 million Mexican trucks that crossed into the United States in 1997 were inspected. And of that 1 percent, almost 50 percent have been ordered to undergo immediate service for safety problems. Clearly, if the DOT does not start issuing the harsh fines and penalties that this bill empowers them to do,

then we will find millions upon millions of unsafe Mexican trucks on our highways and byways.

While I am grateful that my concerns were addressed in the manager's amendment, I would be remiss if I did not say that possible loopholes could be closed and that these penalties could be strengthened so that the DOT would not have any choice but to penalize violators to the fullest extent. Hopefully these concerns can be addressed in the future.

In addition to the foreign penalty provisions, I am extremely happy that this bill addresses the lack of truck and bus safety enforcement on our American roads. Back on May 17, I and the gentleman from Illinois (Mr. DAVIS) led an Illinois delegation letter to the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) that emphasized the dangers that drivers in my home State of Illinois face due to the lack of intense truck inspections. Illinois' roads are the most traveled truck routes in the U.S. Yet Illinois ranks at the bottom when it comes to the percentage of intensive truck inspections performed on its trucks. I have no doubt that the low level of intense inspections led to 166 fatalities in large truck crashes in 1996 and in 1997 in Illinois. I therefore asked the gentleman from Pennsylvania and the gentleman from Minnesota to increase the funding for the grant programs to the States so that the level of intense inspections can increase in Illinois and other States. I am pleased that these wise men heeded my advice and increased the motor carrier safety assistance program by $250 million over the course of the next 4 years.

Mr. Chairman, I am grateful that the leadership on the Committee on Transportation and Infrastructure has given State inspectors the tools to make our roads safer. I am also extremely grateful that the committee worked with the gentleman from New York and I on such short notice in order to give the DOT the same tools to protect our roads from unsafe foreign trucks. As the world grows into a smaller place, it is clear that we must address and punish domestic as well as foreign violators of our laws.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time.

I am pleased to support this legislation. I appreciate what the gentleman from Illinois (Mr. LIPINSKI) mentioned in some detail on the floor, and I shall not repeat the pattern of illegal operations that we are seeing across the country.

What is important here is that we have legislation that for the first time is going to provide some real teeth, being able to take people who have a pattern of illegal operation in this country, in many cases they are unsafe and environmentally not sound, being able to take these operations out of service. There is an opportunity now to strengthen the provisions so that we make sure that the civil penalties that sometimes people are simply ignoring can in fact be enforced, and a pattern of offenses can result in a significant fine of $25,000 and that they will be disqualified.

I do not think that this is an issue necessarily that deals with free trade or not. I think this is one area where people on both sides of NAFTA, for instance, can come together. This is simple, common-sense enforcement of our motor carrier laws, standing up for what is important for our motorists, for the environment. In fact, I think that people who had supported NAFTA have even more reason to stand up, because if we are not providing this type of enforcement, it makes a sham out of the representations that are made that are in good faith on this floor in bringing this legislation forward.

Last but not least, I like the notion of disarming people who are not appropriately operating vehicles in this country. I feel that if we take this philosophy further, I think nothing would solve the problem of repeat drunk drivers more than taking the cars away, selling them, getting their attention, the same way that taking these trucks out of service, taking these vehicles out of service will get their attention. It is a simple, common-sense approach that I think the American public would support, with broad application, and I hope that it will prove to be effective here and will be able to be used in other areas of making our highways safer and making sure that people obey our laws.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

(Mr. BENTSEN asked and was given permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Chairman, I rise today in strong support of the bill put forth by the gentleman from Pennsylvania and the gentleman from Minnesota as well as the chairman and ranking member of the subcommittee to bring increased truck safety on our highways and to rein in those commercial motor carriers that are attempting to operate with a loose regard for safety. In my district in the Houston, Texas area, many major highway routes in and around the city and Harris County have increasingly become the scene of horrendous accidents involving tractor-trailers and small passenger vehicles.

Just this month, a criminal trial has concluded involving a truck driver who, while operating an 18-wheeler with faulty brakes and also driving while intoxicated, killed four members of the Groten family of the city of West University which is in the 25th District. Lisa Groten managed to escape the crash but was forced to watch as her husband was unable to extricate himself from the wreckage and died as well as her three children who were killed instantly. I think that it is highly incumbent upon the Congress to move quickly as the chairman and ranking member have chosen to do so in bringing this bill forward and saying that we are going to crack down on this type of activity.

Second of all, I want to associate myself with the remarks both of the gentleman from Oregon and the gentleman from Illinois on the problem of illegal truck activity from Mexico and, for that matter, Canada as well. I do support NAFTA, but I think the gentleman from Illinois is correct and, that is, that the laws and the agreements made in NAFTA must be enforced. We have consistently found, the General Accounting Office has found, that the inspections at the border have been wholly insufficient and until such time as there is adequate inspection at the border, I do not believe we can expand access to trucks coming in from Mexico, ensuring that they are meeting the safety requirements and the road requirements that we require American trucks to meet. I commend the ranking member and the chairman for that. But most of all let me say in conclusion that I think this is a good bill and it puts safety first. That is what we owe our constituents.

Mr. SHUSTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time and would like to engage him in a colloquy on the important subject of railroad mitigation.

As the gentleman well knows in my district, the Dakota, Minnesota and Eastern Railroad has proposed a $1.4 billion upgrade of its current line which will transform the railroad from a sleepy, couple-of-trains-a-day to a modern, high-speed, busy railroad. Needless to say, many of my constituents are concerned about what this means to them.

The West probably would not have been opened without the help of railroads. Many of our first towns were built to provide water and coal to the early trains. Some railroads do not serve the communities they travel through today. They are only interested in the cargo traffic moving between major cities. There are benefits to large regional and national railroads. Americans enjoy cheaper products, quicker delivery from coast to coast and much more.

In dealing with the railroads, communities must build safety crossings, viaducts and more. These things cost a lot of money. A simple railroad crossing with gates for a two-lane road costs about $150,000. Minnesota, my State, receives $4.5 million from the Federal Government for railroad mitigation. That is enough for 30 crossings. The DM&E will have 300 crossings in Minnesota alone.

Because the Federal railroad mitigation account is underfunded, many mitigation projects are funded by the local taxpayers, even though those taxpayers will receive minimal benefit from the railroad. This is not right. A strong economy rides on a good transportation system which must include modern railroads. However, if our national policy is such that it promotes railroads at the expense of our local folks, then problems will arise.

I hope the gentleman will agree that the American people would support helping out communities negatively affected by railroads which does not really help the community. As a matter of fact, the Federal Government should help these communities.

I believe the gentleman's committee and the subcommittee chaired by the gentleman from Wisconsin (Mr. PETRI) will be holding hearings on this topic, and I would appreciate if he could examine some particular concerns that I have. And, if possible, I would appreciate the opportunity to testify about the specific problems communities in my district are facing.

Mr. SHUSTER. If the gentleman will yield, I want to assure the gentleman that we will be looking at this important safety issue. We will be very pleased to have him involved in the process, and if we hold hearings, as I expect we will, to have him testify.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume for the purpose of addressing, supplementing the excellent statement the gentleman from Minnesota (Mr. GUTKNECHT) has just raised.

The matter of the DM&E Railroad is a very serious one for the city of Rochester, Minnesota, where the world renowned Mayo Clinic is located. The DM&E expanded service will mean as many as 30 trains a day rumbling within a quarter of a mile or less of the heart of the Mayo Clinic and right next to one of its main hospitals. That amount of vibration and attendant noise is very disconcerting to the medical staff and the administration of the Mayo Clinic.

□ 1315

It is a very serious matter. The best way it can be addressed, I think, is to completely relocate the railroad at a cost of several hundreds of millions of dollars. There are other mitigation efforts, though, that can be taken at less cost that can and should be taken; and I am delighted to work with my colleague who represents the Rochester area with distinction in this body and with the mayor of Rochester and the Mayo Clinic board. We must do all that we can to assure that this medical institution with an international reputation is not demeaned in any way by the necessary railroad service that must also go through the community.

I know this is a very thorny issue that the gentleman has attempted to address, and it is a statewide matter. It is not just a local matter.

Mr. GUTKNECHT. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. Mr. Chairman, I just want to thank my colleague from Minnesota who does such a good job for us on the Committee on Transportation and Infrastructure.

This is a major issue, and frankly I think Rochester is one example; but it really is an example that we are going to be facing around the rest of the country. We certainly need railroads. We need to upgraded many of the railroads that are out there, but I think it has got to be taken into account in terms of our overall transportation strategy and what level of support the Federal Government should provide.

The one thing I think we should all agree, and that is that local taxpayers should not be held responsible to pay enormous costs for a new railroad upgrade from which they get very little benefit, and I think there is a big public policy question here, the issue of the Mayo Clinic is certainly a big one as well, and I want to thank the gentleman from Minnesota in joining with me to work with local communities to help solve these problems.

Mr. OBERSTAR. Mr. Chairman, additionally I would point out this instant case plus an additional one in the district of our colleague from near Cleveland, Ohio (Mr. KUCINICH) where the CSX merger has increased, and let me take that word back, has doubled rail traffic to 110 trains a day through his little town of Berea, Ohio.

The vibration, the noise, the safety whistles of the trains going through have disrupted to an unacceptable level the lives of the people who for years have lived peaceably along that track. The situation is parallel to that of the gentleman from Minnesota, and the Surface Transportation Board has to take into account these adverse consequences on communities in its consideration of requests for service expansion and mergers of the Nation's railroads. This is an instant case of the failure of the Surface Transportation Board adequately to consider the adverse impacts on people, business, and people and other businesses in the communities served by the very important rail service of our Nation.

Mr. WOLF. Mr. Chairman, let me just say that I appreciate the gentleman from Pennsylvania, Mr. SHUSTER, for bringing up H.R. 2679 on the floor of the House today. Truck safety is a topic in which we both have an interest and it is important that this House continue to address it.

The current structure of motor carrier enforcement is just not working. It has allowed trucks to operate on the road that are unsafe and has resulted in over 5300 deaths for several years. In short, the status of truck safety is not good.

This bill, while not perfect is a good first step towards improving safety in the trucking industry. For the record, most truck drivers and trucking companies operate in a safe manner. They care not only about making the delivery on time, but making it safely. But there are those on the margins who unfortunately operate unsafely. It is those that this bill focuses on.

I would like to bring to the House's attention a letter from safety groups that has recommendations to improve truck safety and I believe the Congress and Administration should address these recommendations as this bill moves toward enactment.

The letter follows:

URGENT—VOTE TODAY

Public Citizen Advocates for Highway and Auto Safety.
Trauma Foundation.
Citizens for Reliable and Safe Highways (CRASH).
Parents Against Tired Truckers.
Consumer Federation of America.

SAFETY GROUPS AND TRUCK CRASH SURVIVORS URGE MEMBERS OF CONGRESS TO STRENGTHEN SAFETY PROVISIONS IN H.R. 2679

OCTOBER 14, 1999.

DEAR REPRESENTATIVE: Today the House is expected to vote on H.R. 2679, a bill to establish a National Motor Carrier Administration in the U.S. Department of Transportation. This legislation is an outgrowth of a number of reports from the Inspector General of the U.S. Department of Transportation and the General Accounting Office as well as hearings held by the National Transportation Safety Board and the Congress documenting the failures of the Federal Motor Carrier Safety program: failure to conduct inspections, failure to impose penalties, failure to issue safety standards, failure to collect and analyze accurate data, failure to conduct important scientific research, and failure to maintain an appropriate arms length relationship with the regulated industry. Taxpayer dollars have been squandered and safety has been seriously compromised.

Every year, more than 5,300 people die in crashes involving motor carriers and 127,000 are injured. Although big trucks account for only 3% of registered vehicles, they are involved in 9% of all fatal crashes and 12% of all highway deaths. Additionally, more than one out of five (22%) of passenger vehicle occupant deaths on our highways result from crashes with large trucks. Not surprisingly, in crashes involving a truck and passenger car, 98% of the fatalities are passenger car occupants. The fatalities are the equivalent of a major fatal airline crash every two weeks. It is a national disgrace that our federal regulatory and enforcement agency has failed to protect our American families on the highway.

We commend the House for moving swiftly in this session to enact motor carrier legislation. H.R. 2679 makes some important improvements in truck safety with provisions such as detailed attention to strengthening the Commercial Driver License Program. We also appreciate the emphasis in H.R. 2679 on ''safety as highest priority.'' In addition, the Manager's amendments of October 13, 1999, appropriately devote extra attention in a new provision to the problem of illegal operations by foreign carriers which can pose a growing problem to highway safety if not checked, although we are concerned with the requirement that the violation be ''intentional.''

However, H.R. 2679, even with these and other provisions, can only be regarded at best as a tentative first step towards comprehensive motor carrier safety reform. Not only does the bill fail to address numerous, major areas of need to ensure significantly improved federal regulation and enforcement, but it essentially compromises the

basic safety mission of a new independent motor carrier agency by charging it with oversight of economic laws and regulations, including responsibilities only recently assigned to the new Surface Transportation Board (STB) by the Interstate Commerce Commission (ICC) Termination Act of 1995.

This commingling of economic administrative duties with safety stewardship creates potentially conflicting missions which could lead to safety policy choices that are inevitably balanced with issues affecting the productivity and economic health of the trucking industry. In fact, H.R. 2679 actually increases the likelihood of economic considerations adversely influencing agency safety policy decisions because it places the administration of several sections of 49 United States Code in the new agency which had formerly been assigned, first, to the old ICC and, more recently, to the new STB. It is clear that, if enacted in its present form, H.R. 2679 would permit the agency to subvert the goals of safety regulation and enforcement by weighing them in a scale balanced explicitly with the economic needs of industry.

We are also concerned that the major problems identified by the Inspector General, the Government Accounting Office, and numerous witnesses are not addressed in this legislation, yet this legislation is an unprecedented opportunity to change the course of truck safety. With the addition of the following provisions recommended as well on many occasions by the safety organizations and survivors of truck crashes, the legislation would go a long way towards stemming this carnage on our highways.

We encourage members of Congress to propose amendments that address the following key deficiencies in H.R. 2679 to achieve strong legislation that will make our highways safer:

There is no direct charge to the new motor carrier agency explicitly to implement the findings and recommendations in the comprehensive report issued by the U.S. Department of Transportation's Office of the Inspector General in April 1999 which delineates the multiple failures of the Office of Motor Carriers and Highway Safety (OMCHS). The early provisions of the bill, such as Section 102, which simply consign important motor carrier safety enhancement goals to the discretion of the Secretary, cannot substitute for specific legislated targets and is essentially hortatory rather than prescriptive for agency compliance.

The bill fails to assign appropriate shared jurisdiction with the National Highway Traffic Safety Administration (NHTSA) for data acquisition and evaluation, including violation records and crash causation analysis, and for regulating retrofitted safety features, safety component maintenance, and safety equipment performance of in-service commercial motor vehicles, a responsibility which could substantially improve on-the-road motor carrier safety. The NHTSA issues new truck safety standards and should be responsible for concurrent issuance of requirements to maintain these standards in trucks on the road.

There have been significant conflict of interest problems involving research contracts at the OMC. The agency is ignoring general regulations that direct government agencies to avoid conflicts of interest in the awarding of contracts. As the Teamsters testified, OMC has awarded numerous contracts to the regulated industry to develop safety standards governing that industry. This is unacceptable and the bill should prohibit such conflicts.

A number of major areas of need regarding the qualifications of both new commercial drivers and of entrant motor carriers are not addressed. Among these are the pressing need for commercial driver entry-level and advanced training and certification as conditions for taking the basic CDL and advanced endorsement examinations, and for a proficiency examination requiring demonstrated understanding of the Federal Motor Carrier Safety Regulations by new drivers and by applicant carriers seeking interstate operating authority.

Specific reform of data needs such as mandating that the States maintain certain violation records, including traffic and felony violations, as well as a 10-year calendar governing Out of Service order violations, is not contained in H.R. 2679, although it is widely acknowledged that the Commercial Driver Licensing Information System is poorly administered and has either mistaken, outdated, or missing data entries needed to track commercial drivers for potential license suspension and driver disqualification.

H.R. 2679 not only fails to mandate specific minimum penalties that must be imposed by the Secretary, it weakens its direction to the Secretary in Section 208 to impose ''civil penalties at a level calculated to ensure prompt and sustained compliance'' by providing blanket discretion to the Secretary not only to lower the amount of such penalties but even to forgive repeated violations of safety law and regulation without penalty.

Other legislative initiatives, such as the need to consider extending the CDL requirements downward to commercial vehicles less than 26,000 pounds, closing the gap between federal motor carrier safety standards and the often far weaker state standards which nevertheless pass muster for securing Motor Carrier Safety Assistance Program (MCSAP) funds, and addressing the growing problem of high rates of deaths and injuries inflicted by intrastate-only motor carriers, are simply absent in H.R. 2679.

These deficiencies are far from a comprehensive listing of the missing provisions and failed approach of H.R. 2679 in dealing with a large and growing problem of weak federal safety oversight, widespread scofflaw conduct by drivers and carriers, systematic falsification of commercial driver paper logbooks, the need to strengthen federal enforcement mechanisms and insulate a new motor carrier agency from industry influence. Also, as the Administration's letter points out, the word ''safety'' should be in the name of the new agency, since that is its mission. If taxpayer dollars are going to be spent on the creation of a new agency to regulate and enforce motor carrier safety, it should be equipped with the authority to address all recognized problems and not just a few of them.

The American public is virtually unanimous that large trucks are a source of great danger on the highway and that action should be taken to make them safer. In two very recent polls, when asked whether they would pay more for goods shipped by trucks in exchange for truck safety improvements, 78% of the public said ''yes.'' An overwhelming 93% said that allowing truck drivers to drive longer hours is less safe and 80% said it is much less safe. A large 81% favors installation of new technology such as driver warning systems and black boxes in trucks to improve enforcement. On that point, the National Transportation Safety Board has recommended again and again for over 15 years that black boxes be installed in trucks yet the Office of Motor Carriers has never initiated such a requirement.

The proposals listed above are reasonable and modest. If 5,300 people were killed every year and 127,000 people injured in airline crashes, the House would be enacting a bill addressing all facets of the problem. It would be holding emergency hearings condemning airline operations, the newspapers would put it on the front page, and it would be the lead story on the evening news. The trauma, the heartbreak, and the government responsibility are no less because these deaths are occurring one by one, community by community across America. This legislation is literally a matter of life and death. It is time to set things right and assure the public the kind of vigorous federal action which will be measured in crashes avoided and deaths prevented.

Your constituents are expecting leadership from their elected officials to tackle this problem. We urge you to fulfill this obligation.

Sincerely,

Judith L. Stone, President, Advocates for Highway and Auto Safety, Washington, DC.

Andrew McGuire, Executive Director, Trauma Foundation, San Francisco General Hospital, San Francisco, CA.

Joan Claybrook, President, Public Citizen, Washington, DC.

Daphne Izer, Parents Against Tired Truckers, Lisbon Falls, ME.

Michael Scippa, Executive Director, Citizens for Reliable and Safe Highways, Tiburon, CA.

Ellen Smead, Consumer Coalitions Coordinator, Consumer Federation of America, Washington, DC.

Mr. TRAFICANT. Mr. Chairman, I rise in support of H.R. 2679. This bill makes significant changes in how motor carrier safety rules are enforced. These changes will save lives and strengthen safety on our roads.

While I support the bill, I want to continue working with Chairman SHUSTER, Chairman PETRI and Ranking Member OBERSTAR and Ranking Member RAHALL to develop a consensus on how to address the inadequacies in current law relative to the commercial drivers license program for the school transportation industry.

While the bill before us today makes an earnest effort to resolve these issues, I think it falls short of what is needed to address the key problems facing the school transportation industry. These are the recruitment and retention of highly qualified and dedicated school bus drivers nationwide, and sustaining the remarkable safety record of so-called ''yellow'' school buses.

State directors of pupil transportation across the country are concerned about chronic school bus driver shortages. It is a serious problem in school districts across the country. The school transportation industry has always experienced a high turnover rate. Unfortunately, the current CDL program encourages prospective school bus drivers to avail themselves of the free CDL training the school transportation industry provides only to accept employment elsewhere. In many instances, these drivers never get behind the wheel of a school bus.

The school transportation industry has wasted millions of dollars training drivers who use their CDL to drive commercial vehicles other than school buses. This is senseless drain on the precious resources of school districts and small businesses. It has also exacerbated the school driver shortage problem which is forcing many school districts to adjust class schedules—often forcing young children to leave for school as early as 7:15 in the morning.

I hope to continue working with the committee to develop legislation that incorporates the following principles:

Every new school bus driver should be administered, as part of their CDL training, both written and skills tests that more closely assess the knowledge and skills required to operate a school bus. The Department of Transportation should promulgate minimum testing standards that States must use in their testing. States should then be required to provide a school-bus specific CDL.

That school bus-specific CDL should also be restricted, so as to require a holder desiring to operate another commercial vehicle in the same or a higher class to retest for that vehicle type. Illinois and Connecticut have implemented such a system, and have experienced a decline in wasted training costs and significantly higher school bus driver retention rates.

It is true that under current law there is nothing preventing more states from emulating Illinois and Connecticut. Unfortunately, over the 12-year history of the CDL law, most states have been slow to address this widespread and vexing problem.

It is also true that the school bus industry has an exceptional safety record. However, I echo the concern of the school transportation industry that, unless Congress takes action to encourage the retention and recruitment of highly qualified and dedicated school bus drivers, safety will be compromised.

There needs to be uniformity among the states when it comes to certifying school bus drivers—the same type of uniformity the original CDL law was intended to foster. Since 1997, Congress has been presented with testimony from the states that this is a problem that continues to grow.

Once again, I hope to continue working with the committee to develop a consensus legislative remedy to this problem as soon as possible.

Mr. QUINN. Mr. Chairman, first of all, I would like to thank the distinguished Chairman of the Transportation Committee, Mr. SHUSTER, for his diligent work on this issue.

He, along with Subcommittee Chairman PETRI and Ranking Members OBERSTAR and RAHALL, have done a magnificent job in crafting a bill that will comprehensively improve truck and bus safety.

The Motor Carrier Safety Act is not just a ''quick fix'' to the problem of truck related accidents and deaths on our nation's highways.

This legislation creates a new National Motor Carrier Administration that is directed to consider the assignment and maintenance of safety as its highest priority.

H.R. 2679 makes reforms and closes loopholes in federal motor carrier safety programs and in the Commercial Driver's License program.

And one section of the Manager's Amendment addresses another serious highway safety concern involving the presence of Mexican trucks operating illegally on our nation's highways.

The Department of Transportation's Inspector General recently reported that 68 Mexican motor carriers have been found operating illegally in 24 different states.

These trucks have been found as far north as my home state of New York—obviously well beyond the designated commercial zones.

The presence of these trucks on our highways poses a serious threat to the safety of American travelers because they do not have to abide by our safety regulations.

This legislation makes all illegally operating foreign carriers liable for a civil penalty and disqualification.

I am proud to have co-authored this section with my colleague and good friend from Illinois, Mr. LIPINSKI.

I feel we have adequately addressed the safety concerns of our highway users and I thank Chairman SHUSTER for including the language in the Manager's Amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in Part A of House Report 106–381 is adopted. The bill, as amended, shall be considered under the 5-minute rule by title, and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in Part B of the report if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee. That amendment shall be considered read, may amend portions of the bill not yet read for amendment and shall not be subject to the demand for division of the question.

During consideration of the bill for further amendment the Chair may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business providing that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Mr. SHUSTER. Mr. Chairman, I ask unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of H.R. 2679, as amended, is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Motor Carrier Safety Act of 1999''.

(b) TABLE OF CONTENTS.—

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The current rate, number, and severity of crashes involving motor carriers in the United States are unacceptable.

(2) The number of Federal and State commercial motor vehicle and operator inspections is too low and the number and size of civil penalties for violators must be sufficient to establish a credible deterrent to future violations.

(3) The Department of Transportation takes too long to complete statutorily mandated rulemaking proceedings on motor carrier safety and, in some significant safety rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(4) Too few motor carriers undergo compliance reviews and the Department's data bases and information systems require substantial improvement to enhance the Department's ability to target inspection and enforcement resources toward the most serious safety problems and to improve States' ability to keep dangerous drivers off the roads.

(5) There needs to be a substantial increase in appropriate facilities and personnel in international border areas to ensure that commercial motor vehicles, drivers, and carriers comply with United States safety standards.

(6) The Department should rigorously avoid conflicts of interest in research awards in Federally funded research.

(7) Unless meaningful measures to improve safety are implemented expeditiously, projected increases in vehicle-miles traveled will raise the number of crashes, injuries, and fatalities even higher.

(8) Wisely used additional funding and personnel are essential to the Department's ability to improve its research, rulemaking, oversight, and enforcement activities related to commercial motor vehicles, operators, and carriers.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to improve the administration of the Federal motor carrier safety program and to establish a National Motor Carrier Administration in the Department of Transportation; and

(2) to reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, scientifically sound research, and effective commercial driver's license testing, recordkeeping and sanctions.

TITLE I—NATIONAL MOTOR CARRIER ADMINISTRATION

SEC. 101. ESTABLISHMENT OF NATIONAL MOTOR CARRIER ADMINISTRATION.

(a) IN GENERAL.—Chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''§ 113. National Motor Carrier Administration

''(a) IN GENERAL.—The National Motor Carrier Administration shall be an administration of the Department of Transportation.

''(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in motor carrier transportation.

''(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation.

''(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

''(e) CHIEF SAFETY OFFICER.—The Administration shall have an Assistant National Motor Carrier Administrator appointed in the competitive service by the Secretary, with the approval of the President. The Assistant Administrator shall be the Chief Safety Officer of the Administration. The Assistant Administrator shall carry out the duties and powers prescribed by the Administrator.

''(f) REGULATORY OMBUDSMAN.—The Administration shall have a Regulatory Ombudsman appointed by the Administrator. The Secretary and the Administrator shall each delegate to the Ombudsman such authority as may be necessary for the Ombudsman to expedite rulemaking proceedings to comply with statutory and internal departmental deadlines, including authority to—

''(1) make decisions to resolve disagreements between officials in the Administration who are participating in a rulemaking process; and

''(2) ensure that sufficient staff are assigned to rulemaking projects to meet all deadlines.

''(g) OFFICES OF PASSENGER VEHICLE SAFETY, CONSUMER AFFAIRS, AND INTERNATIONAL AFFAIRS.—The Administration shall have an Office of Passenger Vehicle Safety, an Office of Consumer Affairs, and an Office of International Affairs.

''(h) POWERS AND DUTIES.—The Administrator shall carry out—

''(1) duties and powers related to motor carriers or motor carrier safety vested in the Secretary by chapters 5, 51, 55, 57, 59, 133 through 149, 311, 313, and 315; and

''(2) additional duties and powers prescribed by the Secretary.

''(i) LIMITATION ON TRANSFER OF POWERS AND DUTIES.—A duty or power specified in subsection (h)(1) may only be transferred to another part of the Department when specifically provided by law.

''(j) EFFECT OF CERTAIN DECISIONS.—A decision of the Administrator involving a duty or power specified in subsection (h)(1) and involving notice and hearing required by law is administratively final.

''(k) CONSULTATION.—The Administrator shall consult with the Federal Highway Administrator and with the National Highway Traffic Safety Administrator on matters related to highway and motor carrier safety.''.

(b) ADMINISTRATIVE EXPENSES.—Section 104(a)(1) of title 23, United States Code, is amended—

(1) in paragraph (1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and by moving the text of such clauses 2 ems to the right;

(2) in paragraph (1) by striking ''exceed 1½ percent of all sums so made available, as the Secretary determines necessary—'' and inserting ''exceed—

''(A) 1⅙ percent of all sums so made available, as the Secretary determines necessary—'';

(3) by striking the period at the end of paragraph (1)(A)(ii) (as redesignated by paragraphs (1) and (2) of this subsection) and inserting ''; and'' and the following:

''(B) ⅓ of one percent of all sums so made available, as the Secretary determines necessary, to administer the provisions of law to be financed from appropriations for motor carrier safety programs and motor carrier safety research.''; and—

(4) by adding at the end the following:

''(4) LIMITATION ON TRANSFERABILITY.—Unless expressly authorized by law, the Secretary may not transfer any sums deducted under paragraph (1) to a Federal agency or entity other than the Federal Highway Administration and the National Motor Carrier Administration.''.

(c) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for chapter 1 of title 49, United States Code, is amended by adding at the end the following:

''113. National Motor Carrier Administration.''.

(2) FEDERAL HIGHWAY ADMINISTRATION.—Section 104 of title 49, United States Code, is amended—

(A) in subsection (c)—

(i) by striking the semicolon at the end of paragraph (1) and inserting ''; and'';

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2);

(B) by striking subsection (d); and

(C) by redesignating subsection (e) as subsection (d).

(d) POSITIONS IN EXECUTIVE SERVICE.—

(1) ADMINISTRATOR.—Section 5314 of title 5, United States Code, is amended by inserting after

''Administrator of the National Highway Traffic Safety Administration.''

the following:

''Administrator of the National Motor Carrier Administration.''.

(2) DEPUTY AND ASSISTANT ADMINISTRATORS.—Section 5316 of title 5, United States Code, is amended by inserting after

''Deputy Administrator of the National Highway Traffic Safety Administration.''

the following:

''Deputy Administrator of the National Motor Carrier Administration.

''Assistant National Motor Carrier Administrator.''.

(e) CONFLICTS OF INTEREST.—

(1) COMPLIANCE WITH REGULATION.—In awarding any contract for research, the National Motor Carrier Administrator shall comply with section 1252.209–70 of title 48, Code of Federal Regulations, as in effect on the date of enactment of this section. The Administrator shall require that the text of such section be included in any request for proposal and contract for research made by the Administrator.

(2) STUDY.—

(A) IN GENERAL.—The Administrator shall conduct a study to determine whether or not compliance with the section referred to in paragraph (1) is sufficient to avoid real or perceived conflicts of interest in contracts for research awarded by the Administrator and to evaluate whether or not compliance with such section unreasonably delays or burdens the awarding of such contracts.

(B) CONSULTATION.—In conducting the study under this paragraph, the Administrator shall consult, as appropriate, with the Inspector General of the Department of Transportation, the Comptroller General, the heads of other Federal agencies, research organizations, industry representatives, employee organizations, safety organizations, and other entities.

(C) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study conducted under this paragraph.

SEC. 102. MOTOR CARRIER SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing strategic planning efforts, the Secretary of Transportation shall develop a long-term strategy for improving commercial motor vehicle, operator, and carrier safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of crashes, injuries, and fatalities, involving commercial motor vehicles.

(2) Improving the consistency and effectiveness of commercial motor vehicle, operator, and carrier enforcement and compliance programs.

(3) Identifying and targeting enforcement efforts at high-risk commercial motor vehicles, operators, and carriers.

(4) Improving research efforts to enhance and promote commercial motor vehicle, operator, and carrier safety and performance.

(b) CONTENTS OF STRATEGY.—

(1) MEASURABLE GOALS.—The strategy and annual plans under subsection (a) shall include, at a minimum, specific numeric or measurable goals designed to achieve the strategic goals of subsection (a). The purposes of the numeric or measurable goals are as follows:

(A) To increase the number of inspections and compliance reviews to ensure that all high-risk commercial motor vehicles, operators, and carriers are examined.

(B) To eliminate, with meaningful safety measures, the backlog of rulemakings.

(C) To improve the quality and effectiveness of data bases by ensuring that all States and inspectors accurately and promptly report complete safety information.

(D) To eliminate, with meaningful civil and criminal penalties for violations, the backlog of enforcement cases.

(E) To provide for a sufficient number of Federal and State safety inspectors, and provide adequate facilities and equipment, at international border areas.

(2) RESOURCE NEEDS.—In addition, the strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—Beginning with fiscal year 2001 and each fiscal year thereafter, the Secretary shall submit to Congress the strategy and annual plan at the same time as the President's budget submission.

(d) ANNUAL PERFORMANCE.—

(1) ANNUAL PERFORMANCE AGREEMENT.—For each of fiscal years 2001 through 2003, the following officials shall enter into annual performance agreements:

(A) The Secretary and the National Motor Carrier Administrator.

(B) The Administrator and the Deputy National Motor Carrier Administrator.

(C) The Administrator and the Chief Safety Officer of the National Motor Carrier Administration.

(D) The Administrator and the Regulatory Ombudsman of the Administration.

(2) GOALS.—

(A) IN GENERAL.—Each annual performance agreement shall set forth measurable organization and individual goals for each lower ranking official referred to in paragraph (1).

(B) ADMINISTRATOR, DEPUTY ADMINISTRATOR, AND CHIEF SAFETY OFFICER.—The performance agreements entered into under paragraphs (1)(A), (1)(B), and (1)(C) shall include the numeric or measurable goals of subsection (b).

(C) REGULATORY OMBUDSMAN.—The performance agreement entered into under paragraph (1)(D) shall include goals in key operational areas, including promptly completing rulemaking proceedings and complying with statutory and internal departmental deadlines.

(3) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary shall assess the progress of each lower ranking official referred to in paragraph (1) toward achieving the goals in his or her performance agreement. The Secretary shall convey the assessment to such official, including identification of any deficiencies that should be remediated before the next progress assessment.

(4) REVIEW AND RENEGOTIATION.—Each agreement entered into under paragraph (1) shall be subject to review and renegotiation on an annual basis.

(5) PERFORMANCE DIVIDENDS.—

(A) GENERAL AUTHORITY.—The Secretary may award to the Administrator, and the Administrator may award to each of the Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman, an annual performance dividend of not to exceed $15,000.

(B) CRITERIA FOR AWARD.—If the Secretary finds that the Administrator has, and if the Administrator finds that one or more of the Deputy Administrator, Chief Safety Officer, and Regulatory Ombudsman have, made substantial progress toward meeting the goals of his or her performance agreement, the Secretary or Administrator, as the case may be, may award a performance dividend under this paragraph commensurate with such progress.

(C) LIMITATION.—Notwithstanding subparagraph (A), no performance dividend may be awarded to an official under this paragraph until the Administrator has submitted to the Office of Management and Budget regulations issued, after the date of enactment of this Act, to implement the safety fitness requirements of section 31144 of title 49, United States Code. The Secretary may waive the applicability of the preceding sentence (i) upon a finding of extraordinary circumstances, or (ii) for an official who has served in his or her position for less than 365 days.

(e) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary and the Administrator shall assess the progress of the Administration toward achieving the strategic goals of subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) BONUS DISTRIBUTION.—In conjunction with the existing performance appraisal process, the Secretary and the Administrator shall award bonuses to all employees and officials of the Administration (other than officials to which subsection (d) applies) if the Secretary and the Administrator determine that the performance of the Administration merits the awarding of such bonuses. The Secretary and the Administrator shall determine the size of bonuses to be awarded under this paragraph based solely on the performance of the Administration in its entirety and not on the performance of any individual employee or official.

(f) MISCELLANEOUS PROVISIONS.—

(1) FUNDING.—The Secretary may use amounts deducted under section 104(a)(1)(B) of title 23, United States Code, to make awards of performance dividends and bonuses under this section.

(2) RELATIONSHIP TO OTHER LAWS.—The authority to award performance dividends and bonuses under this section shall be in addition to any authority providing for bonuses or other incentives under title 5, United States Code.

(g) REPORT TO CONGRESS.—The Secretary shall report annually to Congress the contents of each performance agreement entered into under subsection (d), the official's performance relative to the goals of the performance agreement, and the performance dividends awarded or not awarded based on the performance of the official. In addition, the Secretary shall report to Congress on the performance of the Administration relative to the goals of the motor carrier safety strategy and annual plan under subsection (a) and the bonuses awarded or not awarded based on the performance of the Administration. The fiscal year 2002 annual report shall include an assessment of the effectiveness of the performance dividends and agencywide bonuses in improving the Administration's performance.

SEC. 103. REVENUE ALIGNED BUDGET AUTHORITY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended—

(1) by redesignating the first section 110, relating to uniform transferability of Federal-aid highway funds, as section 126 and moving and inserting such section after section 125 of such chapter; and

(2) in the remaining section 110, relating to revenue aligned budget authority—

(A) in subsection (a)(2) by inserting ''and the motor carrier safety grant program'' after ''relief)''; and

(B) in subsection (b)(1)(A)—

(i) by inserting ''and the motor carrier safety grant program'' after ''program)'';

(ii) by striking ''title and'' and inserting ''title,''; and

(iii) by inserting '', and subchapter I of chapter 311 of title 49'' after ''21st Century''.

(b) CONFORMING AMENDMENT.—The analysis for such chapter is amended—

(1) by striking

''110. Uniform transferability of Federal-aid highway funds.'';

(2) by inserting after the item relating to section 125 the following:

''126. Uniform transferability of Federal-aid highway funds.'';

and

(3) in the item relating to section 163 by striking ''Sec.''.

SEC. 104. ADDITIONAL FUNDING FOR MOTOR CARRIER SAFETY GRANT PROGRAM.

(a) IN GENERAL.—There are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) for the Secretary of Transportation to carry out section 31102 of title 49, United States Code, $75,000,000 for each of fiscal years 2001 through 2003.

(b) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—

(1) IN GENERAL.—Section 4003 of the Transportation Equity Act for the 21st Century (112 Stat. 395–398) is amended by adding at the end the following:

''(i) INCREASED AUTHORIZATIONS FOR MOTOR CARRIER SAFETY GRANTS.—The amount made available to incur obligations to carry out section 31102 of title 49, United States Code, by section 31104(a) of such title for each of fiscal years 2001 through 2003 shall be increased by $65,000,000.''.

(2) CORRESPONDING REDUCTION TO OBLIGATION CEILING.—Section 1102 of such Act (23 U.S.C. 104 note; 112 Stat. 1115–1118) is amended by adding at the end the following:

''(j) REDUCTION IN OBLIGATION CEILING.—The limitation on obligations imposed by subsection (a) for each of fiscal years 2001 through 2003 shall be reduced by $65,000,000.''.

(c) MAINTENANCE OF EFFORT.—The Secretary may not make, from funds made available by or under this section (including any amendment made by this section), a grant to a State unless the State first enters into a binding agreement with the Secretary that provides that the total expenditures of amounts of the State and its political subdivisions (not including amounts of the United States) for the development or implementation of programs for improving motor carrier safety and enforcement of regulations, standards, and orders of the United States on commercial motor vehicle safety, hazardous materials transportation safety, and compatible State regulations, standards, and orders will be maintained at a level at least equal to the level of such expenditures for fiscal year 1999.

(d) STATE COMPLIANCE WITH CDL REQUIREMENTS.—

(1) WITHHOLDING OF ALLOCATION FOR NONCOMPLIANCE.—If a State is not in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall withhold all amounts that would be allocated, but for this paragraph, to the State from funds made available by or under this section (including any amendment made by this section).

(2) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—Any funds withheld under paragraph (1) from any State shall remain available until June 30 of the fiscal year for which the funds are authorized to be appropriated.

(3) ALLOCATION OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds are withheld under paragraph (1) from allocation are to remain available for allocation to a State under paragraph (2), the Secretary determines that the State is in substantial compliance with each requirement of section 31311 of title 49, United States Code, the Secretary shall allocate to the State the withheld funds.

(4) PERIOD OF AVAILABILITY OF SUBSEQUENTLY ALLOCATED FUNDS.—Any funds allocated pursuant to paragraph (3) shall remain available for expenditure until the last day of the first fiscal year following the fiscal year in which the funds are so allocated. Sums not expended at the end of such period are released to the Secretary for reallocation.

(5) EFFECT OF NONCOMPLIANCE.—If, on June 30 of the fiscal year in which funds are withheld from allocation under paragraph (1), the State is not substantially complying with each requirement of section 31311 of title 49, United States Code, the funds are released to the Secretary for reallocation.

SEC. 105. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall establish in the National Motor Carrier Administration a motor carrier safety advisory committee to advise, consult with, and make recommendations to the National Motor Carrier Administrator on matters relating to activities and functions of the Administration.

(b) COMPOSITION.—The advisory committee shall be composed of representatives of the motor carrier industry, drivers and manufacturers of commercial motor vehicles, employee and safety organizations, enforcement agencies, insurance industry, and the public.

(c) TERMINATION DATE.—The advisory committee shall remain in effect until September 30, 2003.

SEC. 106. EFFECTIVE DATE.

(a) IN GENERAL.—This title shall take effect on the date of enactment of this Act; except that the amendments made by section 101 shall take effect on October 1, 2000.

(b) IMPLEMENTATION.—

(1) AUTHORITY OF SECRETARY.—The Secretary of Transportation may take such action as may be necessary before October 1, 2000, to ensure the orderly transfer of duties and powers related to motor carrier safety, and employees carrying out such duties and powers, from the Federal Highway Administration to the National Motor Carrier Administration.

(2) BUDGET SUBMISSIONS.—The President's budget submission for fiscal year 2001 and each fiscal year thereafter shall reflect the establishment of the National Motor Carrier Administration in accordance with this Act.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER SAFETY

SEC. 201. DISQUALIFICATIONS.

(a) DRIVING WHILE DISQUALIFIED AND CAUSING A FATALITY.—

(1) FIRST VIOLATION.—Section 31310(b)(1) of title 49, United States Code, is amended—

(A) by striking ''or'' at the end of subparagraph (B);

(B) by striking the period at the end of subparagraph (C) and inserting a semicolon; and

(C) by adding at the end the following:

''(D) committing a first violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle; or

''(E) convicted of causing a fatality through negligent or criminal operation of a commercial motor vehicle.''.

(2) SECOND AND MULTIPLE VIOLATIONS.—Section 31310(c)(1) of such title is amended—

(A) by striking ''or'' at the end of subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (F);

(C) by inserting after subparagraph (C) the following:

''(D) committing more than one violation of driving a commercial motor vehicle when the individual's commercial driver's license is revoked, suspended, or canceled based on the individual's operation of a commercial motor vehicle or when the individual is disqualified from operating a commercial motor vehicle based on the individual's operation of a commercial motor vehicle;

''(E) convicted of more than one offense of causing a fatality through negligent or criminal operation of a commercial motor vehicle; or''; and

(D) in subparagraph (F) (as redesignated by subparagraph (B) of this paragraph) by striking ''clauses (A)–(C) of this paragraph'' and inserting ''subparagraphs (A) through (E)''.

(3) CONFORMING AMENDMENT.—Section 31301(12)(C) of such title is amended by inserting '', other than a violation to which section 31310(b)(1)(E) or 31310(c)(1)(E) applies'' after ''a fatality''.

(b) EMERGENCY DISQUALIFICATION AND NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31310 of such title is amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (h), (i), and (j), respectively;

(2) by inserting after subsection (e) the following:

''(f) EMERGENCY DISQUALIFICATION.—

''(1) LIMITED DURATION.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for not to exceed 30 days if the Secretary determines that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

''(2) AFTER NOTICE AND HEARING.—The Secretary shall disqualify an individual from operating a commercial motor vehicle for more than 30 days if the Secretary determines, after notice and an opportunity for a hearing, that allowing the individual to continue to operate a commercial motor vehicle would create an imminent hazard (as such term is defined in section 5102).

''(g) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations providing for the disqualification by the Secretary from operating a commercial motor vehicle of an individual who holds a commercial driver's license and who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle. Such regulations shall establish the offenses and minimum periods for which such disqualifications shall be in effect, but in no case shall the types of disqualifying noncommercial motor vehicle offenses or the time periods for disqualification for noncommercial motor vehicle violations be more stringent than those for offenses or violations involving a commercial motor vehicle. The Secretary shall determine such periods based on the seriousness of the offenses on which the convictions are based.''; and

(3) in subsection (h) (as redesignated by paragraph (1) of this subsection) by striking ''(b)–(e)'' each place it appears and inserting ''(b) through (g)''.

(c) SERIOUS TRAFFIC VIOLATIONS.—Section 31301(12) of such title is amended—

(1) by striking ''and'' at the end of subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (G); and

(3) by inserting after subparagraph (C) the following:

''(D) driving a commercial motor vehicle when the individual has not obtained a commercial driver's license;

''(E) driving a commercial motor vehicle when the individual does not have in his or her possession a commercial driver's license unless the individual provides, by the date that the individual must appear in court or pay any fine with respect to the citation, to the enforcement authority that issued the citation proof that the individual held a valid commercial driver's license on the date of the citation;

''(F) driving a commercial motor vehicle when the individual has not met the minimum testing standards—

''(i) under section 31305(a)(3) for the specific class of vehicle the individual is operating; or

''(ii) under section 31305(a)(5) for the type of cargo the vehicle is carrying; and''.

(d) CONFORMING AMENDMENTS.—Section 31305(b)(1) of such title is amended—

(1) by striking ''to operate the vehicle''; and

(2) by inserting before the period at the end ''to operate the vehicle and has a commercial driver's license to operate the vehicle''.

SEC. 202. CDL SCHOOL BUS ENDORSEMENT.

Section 31305(a) of title 49, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (7);

(2) by striking the period at the end of paragraph (8)(B) and inserting ''; and''; and

(3) by adding at the end the following:

''(9) shall prescribe minimum testing standards for the operation of a school bus (that is a vehicle described in section 31301(4)(B)) in a State that elects to issue a commercial driver's license school bus endorsement and may prescribe different minimum testing standards for different classes of school buses.''.

SEC. 203. REQUIREMENTS FOR STATE PARTICIPATION.

(a) NOTIFICATION OF STATE OFFICIALS.—Section 31311(a)(9) of title 49, United States Code, is amended—

(1) by striking ''operating a commercial motor vehicle''; and

(2) by inserting ''commercial'' before ''driver's license''.

(b) PROVISIONAL LICENSES.—Section 31311(a)(10) of such title is amended by inserting after ''commercial driver's license'' the following: ''(including a provisional or temporary commercial driver's license)''.

(c) RECORDKEEPING.—Section 31311(a) of such title is amended by striking paragraph (13) and inserting the following:

''(13) The State shall (A) record in the driving record of an individual who has a commercial driver's license issued by the State, and (B) make available to all authorized persons and governmental entities having access to such record, all information the State receives under paragraph (9) with respect to the individual and every conviction by the State of the individual for a violation involving a motor vehicle (including a commercial motor vehicle) of a State or local law on traffic control (except a parking violation), not later than 10 days after the date of receipt of such information or the date of such conviction.''.

(d) NONCOMMERCIAL MOTOR VEHICLE CONVICTIONS.—Section 31311(a) of title 49, United States Code, is amended by adding at the end the following:

''(18) The State shall revoke, suspend, or cancel, for a period determined in accordance with regulations issued by the Secretary under section 31310(g), the commercial driver's license of an individual who has been convicted of serious offenses involving a motor vehicle other than a commercial motor vehicle.''.

(e) CONFORMING AMENDMENT.—Section 31311(a)(15) of such title is amended by striking ''subsections (b)–(e), (g)(1)(A), and (g)(2) of''.

SEC. 204. STATE NONCOMPLIANCE.

(a) IN GENERAL.—Section 31314 of title 49, United States Code, is amended—

(1) in the section heading by striking ''**Withholding amounts for**''; and

(2) by adding at the end the following:

''(d) COMMERCIAL DRIVER'S LICENSES.—

''(1) STATE NOT IN SUBSTANTIAL COMPLIANCE.—If the Secretary determines that a State is not in substantial compliance with a requirement of section 31311(a), the Secretary shall issue an order declaring that all commercial driver's licenses issued by the State after the date of the order are not valid and the State may not issue any commercial driver's licenses after the date of such order.

''(2) PREVIOUSLY ISSUED LICENSES.—Nothing in this subsection shall be construed as invalidating or otherwise affecting commercial driver's licenses issued by a State before the date of issuance of an order under paragraph (1) with respect to the State.

''(3) STATE IN SUBSTANTIAL COMPLIANCE.—A State subject to an order under paragraph (1) may not resume issuing commercial driver's licenses until the Secretary determines that the State is in substantial compliance with all of the requirements of subsection 31311(a).

''(4) NONRESIDENT CDLS.—Any State other than a State subject to an order under paragraph (1) shall issue a nonresident commercial driver's license to any individual domiciled in a State subject to such an order who meets all of the requirements of this chapter and any applicable State licensing requirements.''.

(b) CONFORMING AMENDMENT.—The analysis for chapter 313 of such title is amended by striking the item relating to section 31314 and inserting the following:

''31314. State noncompliance.''.

SEC. 205. 24-HOUR STAFFING OF TELEPHONE HOTLINE.

Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.''; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking ''for each of fiscal years 1999'' and inserting ''for fiscal year 1999 and $375,000 for each of fiscal years 2000''.

SEC. 206. CHECKS BEFORE ISSUANCE OF DRIVER'S LICENSES.

Section 30304 of title 49, United States Code, is amended by adding at the end the following:

''(e) DRIVER RECORD INQUIRY.—Before issuing a motor vehicle operator's license to an individual, a State shall request from the Secretary information from the National Driver Register under section 30302 and the commercial driver's license information system under section 31309 on the individual's driving record.''.

SEC. 207. BORDER STAFFING STANDARDS.

(a) DEVELOPMENT AND IMPLEMENTATION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall develop and implement appropriate staffing standards for Federal and State motor carrier safety inspectors in international border areas.

(b) FACTORS TO BE CONSIDERED.—In developing standards under subsection (a), the Secretary shall consider volume of traffic, hours of operation of the border facility, types of commercial motor vehicles, types of cargo, delineation of responsibility between Federal and State inspectors, and such other factors as the Secretary determines appropriate.

(c) MAINTENANCE OF EFFORT.—The standards developed and implemented under subsection (a) shall ensure that the United States and each State will not reduce its respective level of staffing of motor carrier safety inspectors in international border areas from its average level staffing for fiscal year 2000.

(d) BORDER COMMERCIAL MOTOR VEHICLE AND SAFETY ENFORCEMENT PROGRAMS.—

(1) ENFORCEMENT.—If, on October 1, 2001, and October 1 of each fiscal year thereafter, the Secretary has not ensured that the levels of staffing required by the standards developed under subsection (a) are deployed, the Secretary shall designate 5 percent of amounts made available for allocation under section 31104(f)(1) of title 49, United States Code, for such fiscal year for States, local governments, and other persons for carrying out border commercial motor vehicle safety programs and enforcement activities and projects.

(2) ALLOCATION.—The amounts designated pursuant to this subsection shall be allocated by the Secretary to State agencies, local governments, and other persons that use and train qualified officers and employees in coordination with State motor vehicle safety agencies.

(3) LIMITATION.—If the Secretary makes a designation pursuant to paragraph (1) for a fiscal year, the Secretary may not make a designation under section 31104(f)(2)(B) of title 49, United States Code, for such fiscal year.

SEC. 208. MINIMUM AND MAXIMUM ASSESSMENTS.

(a) IN GENERAL.—The Secretary of Transportation should ensure that motor carriers operate safely by imposing civil penalties at a level calculated to ensure prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(b) ESTABLISHMENT.—The Secretary—

(1) should establish and assess minimum civil penalties for each violation of a law referred to in subsection (a); and

(2) shall assess the maximum civil penalty for each violation of a law referred to in subsection (a) by any person who has previously been found to have committed the same violation or a related violation.

(c) EXTRAORDINARY CIRCUMSTANCES.—If the Secretary determines and documents that extraordinary circumstances exist which merit the assessment of any civil penalty lower than any level established under subsection (b), the Secretary may assess such lower penalty.

(d) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall conduct a study of the effectiveness of the revised civil penalties established in the Transportation Equity Act for the 21st Century and this Act in ensuring prompt and sustained compliance with Federal motor carrier safety and commercial driver's license laws.

(2) SUBMISSION TO CONGRESS.—The Secretary shall transmit the results of such study and any recommendations to Congress by September 30, 2002.

(e) SEMIANNUAL AUDIT BY INSPECTOR GENERAL.—The Inspector General of the Department of Transportation shall conduct a semiannual audit of the National Motor Carrier Administration's enforcement activities, including an analysis of the number of violations cited by safety inspectors and the level of fines assessed and collected for such violations, and of the number of cases in which there are findings of extrordinary circumstances under subsection (c) and the circumstances in which these findings are made and shall promptly submit the results of each such audit to Congress.

SEC. 209. STUDY OF COMMERCIAL MOTOR VEHICLE CRASH CAUSATION AND DATA IMPROVEMENT.

(a) OBJECTIVES.—The Secretary of Transportation shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes that involve commercial motor vehicles. The study shall also identify data requirements and collection procedures, reports, and other measures that will improve the Department of Transportation's and States' ability to—

(1) evaluate future crashes involving commercial motor vehicles;

(2) monitor crash trends and identify causes and contributing factors; and

(3) develop effective safety improvement policies and programs.

(b) DESIGN.—The study shall be designed to yield information that will help the Department and the States identify activities and other measures likely to lead to significant reductions in the frequency, severity, and rate per mile traveled of crashes involving commercial motor vehicles. As practicable, the study shall rank such activities and measures by the reductions each would likely achieve, if implemented.

(c) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers, and carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs;

(5) research methods and statistical analysis; and

(6) other relevant topics.

(d) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(e) REPORT.—The Secretary shall promptly transmit the results of the study, together with any legislative recommendations, to Congress. The Secretary shall review the study at least once every 5 years and update the study and report as necessary.

(f) DATA IMPROVEMENTS.—Based on the findings of the study, the Secretary shall work with the States, and other appropriate entities, to standardize crash data requirements, collection procedures, and reports.

(g) ELIGIBILITY.—Notwithstanding section 104(a)(4) of title 23, United States Code, activities under this section shall be eligible for funding under section 104(a) of such title and may be carried out by any entity within the Department that the Secretary designates.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment offered by Mr. SHUSTER:

Page 7, line 8, before the semicolon insert the following:

and by section 18 of the Noise Control Act of 1972 (42 U.S.C. 4917; 86 Stat. 1249–1250); except as otherwise delegated by the Secretary to any agency of the Department of Transportation other than the Federal Highway Administration, as of October 8, 1999

Page 13, after line 21, insert the following:

(3) SAVINGS CLAUSE.—In developing and assessing progress toward meeting the measurable goals set forth in this subsection, the Secretary and the Administrator shall not take any action that would impinge on the due process rights of motor carriers and drivers.

Page 22, line 9, insert ''average'' before ''level''.

Page 22, line 9, strike ''fiscal year'' and insert ''fiscal years 1997, 1998, and''.

Page 24, line 9, after ''industry,'' insert ''representatives from law enforcement agencies of border States,''.

Page 35, line 1, insert ''or renewing'' after ''issuing''.

Page 36, line 10, strike ''5 percent of amounts'' and insert ''the amount''.

Page 36, line 11, strike ''(1)'' and insert ''(2)(B)''.

Page 37, line 15, strike ''has previously'' and all that follows through line 17 and insert the following:

is found to have committed a pattern of violations of critical or acute regulations issued to carry out such a law or to have previously committed the same or a related violation of critical or acute regulations issued to carry out such a law.

Page 37, line 22, after the period insert the following:

In cases where a person has been found to have previously committed the same or a related violation of critical or acute regulations issued to carry out a law referred to in subsection (a), extraordinary circumstances may be found to exist when the Secretary determines that repetition of such violation does not demonstrate a failure to take appropriate remedial action.

Page 40, after line 23, add the following:

SEC. 210. REGISTRATION ENFORCEMENT.

Section 13902 of title 49, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

''(e) PENALTIES FOR FAILURE TO COMPLY WITH REGISTRATION REQUIREMENTS.—In addition to other penalties available under law, motor carriers that fail to register their operations as required by this section or that operate beyond the scope of their registrations may be subject to the following penalties:

''(1) OUT-OF-SERVICE ORDERS.—If, upon inspection or investigation, the Secretary determines that a motor vehicle providing transportation requiring registration under this section is operating without a registration or beyond the scope of its registration, the Secretary may order the vehicle out-of-service. Subsequent to the issuance of the out-of-service order, the Secretary shall provide an opportunity for review in accordance with section 554 of title 5; except that such review shall occur not later than 10 days after issuance of such order.

''(2) PERMISSION FOR OPERATIONS.—A person domiciled in a country contiguous to the United States with respect to which an action under subsection (c)(1)(A) or (c)(1)(B) is in effect and providing transportation for which registration is required under this section shall maintain evidence of such registration in the motor vehicle when the person is providing the transportation. The Secretary shall not permit the operation in interstate commerce in the United States of any motor vehicle in which there is not a copy of the registration issued pursuant to this section.''.

SEC. 211. REVOCATION OF REGISTRATION.

Section 13905(c) of title 49, United States Code is amended—

(1) by inserting ''(1) IN GENERAL.—'' before ''On application'';

(2) by inserting ''(A)'' before ''suspend'';

(3) by striking the period at the end of the second sentence and inserting ''; and (B) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder (i) for failure to pay a civil penalty imposed under chapter 5, 51, 149, or 311 of this title, or (ii) for failure to arrange and abide by an acceptable payment plan for such civil penalty, within 180 days of the time specified by order of the Secretary for the payment of such penalty. Subparagraph (B) shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

''(2) REGULATIONS.—Not later than 12 months after the date of enactment of this paragraph, the Secretary, after notice and opportunity for public comment, shall issue regulations to provide for the suspension, amendment, or revocation of a registration under this part for failure to pay a civil penalty as provided in paragraph (1)(B).''; and

(4) by indenting paragraph (1) (as designated by paragraph (1) of this section) and aligning such paragraph with paragraph (2) of such section (as added by paragraph (3) of this section).

SEC. 212. STATE COOPERATION IN REGISTRATION ENFORCEMENT.

Section 31102(b)(1) of title 49, United States Code, is amended—

(1) by aligning subparagraph (A) with subparagraph (B) of such section; and

(2) by striking subparagraph (R) and inserting the following:

''(R) ensures that the State will cooperate in the enforcement of registration requirements under section 13902 and financial responsibility requirements under sections 13906, 31138, and 31139 and regulations issued thereunder;''

SEC. 213. EXPIRATION OF APPROVALS.

Section 13703 of title 49, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g) respectively

SEC. 214. IMMINENT HAZARD.

Section 521(b)(5)(B) of title 49, United States Code, is amended by striking ''is likely to result in'' and inserting ''substantially increases the likelihood of''.

SEC. 215. PROHIBITED TRANSPORTATION BY COMMERCIAL MOTOR VEHICLE OPERATORS.

Section 521(b) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (8) through (13) as paragraphs (9) through (14), respectively; and

(2) by inserting after paragraph (7) the following:

''(8) PROHIBITION OPERATION IN INTERSTATE COMMERCE AFTER NONPAYMENT OF PENALTIES.—

''(A) IN GENERAL.—An owner or operator of a commercial motor vehicle against whom a civil penalty is assessed under this chapter or chapters 51, 149, 311 of this title and who does not pay such penalty or fails to arrange and abide by an acceptable payment plan for such civil penalty may not operate in interstate commerce beginning on the 181st day after the date specified by order of the Secretary for payment of such penalty. This paragraph shall not apply to any person who is unable to pay a civil penalty due to bankruptcy reorganization.

''(B) REGULATIONS.—Not later than 12 months after the date of enactment of the Motor Carrier Safety Act of 1999, the Secretary, after notice and an opportunity for public comment, shall issue regulations setting forth procedures for ordering commercial motor vehicle owners and operators delinquent in paying civil penalties to cease operations until payment has been made.''.

SEC. 216. HOUSEHOLD GOODS AMENDMENTS.

(a) DEFINITION OF HOUSEHOLD GOODS.—Section 13102(10)(A) of title 49, United States Code, is amended by striking '', including'' and all that follows through ''dwelling,'' and inserting '', except such term does not include property moving from a factory or store, other than property that the householder has purchased with the intent to use in his or her dwelling and is transported at the request of, and the transportation charges are paid to the carrier by, the householder;''.

(b) ARBITRATION REQUIREMENTS.—Section 14708(b)(6) of such title is amended by striking ''$1,000'' each place it appears and inserting ''$5,000''.

(c) STUDY OF ENFORCEMENT OF CONSUMER PROTECTION RULES IN THE HOUSEHOLD GOODS MOVING INDUSTRY.—The Comptroller General shall conduct a study of the effectiveness of the Department of Transportation's enforcement of household goods consumer protection rules under title 49, United States Code. The study shall also include a review of other potential methods of enforcing such rules, including allowing States to enforce such rules.

SEC. 217. REGISTRATION OF MOTOR CARRIERS.

(a) REGISTRATION OF MOTOR CARRIERS BY A STATE.—

(1) INTERIM RULE.—Section 14504(b) of title 49, United States Code, is amended—

(A) in the first sentence by striking ''The'' and inserting ''Until January 1, 2002, the''; and

(B) in the second sentence by striking ''When'' and inserting ''Until January 1, 2002, when''.

(2) REPEAL.—Effective January 1, 2002, section 14504 of such title and the item relating to such section in the analysis for chapter 145 of such title are repealed.

(b) COMPREHENSIVE REGISTRATION.—Section 13908 of such title is amended—

(1) in the first sentence of subsection (a) by inserting ''the requirements of section 13304,'' after ''this chapter,'';

(2) by striking the last sentence of subsection (a);

(3) in subsection (b)—

(A) by striking paragraphs (1), (2), and (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (1), (2), and (3), respectively;

(4) in subsection (c) by striking ''cover'' and inserting ''equal as nearly as possible''; and

(5) by striking subsection (d) and inserting the following:

''(d) STATE REGISTRATION PROGRAMS.—Effective January 1, 2002, it shall be an unreasonable burden on interstate commerce for any State or political subdivision thereof, or any political authority of 2 or more States, to require a motor carrier operating in interstate commerce and providing transportation in such State or States to, or to collect fees to—

''(1) register its interstate operating authority;

''(2) file information on its interstate Federal financial responsibility; or

''(3) designate its service of process agent.''.

(c) DEADLINE.—Section 13908(e) of such title is amended—

(1) by striking ''Not later than 24 months after January 1, 1996,'' and inserting ''By January 1, 2002,'';

(2) by inserting ''and'' after the semicolon at the end of paragraph (1);

(3) by striking paragraph (2); and

(4) by redesignating paragraph (3) as paragraph (2).

(d) CONFORMING AMENDMENT.—Section 13304(a) of such title is amended by striking ''and each State'' and all that follows through ''filed with it''.

SEC. 218. FOREIGN MOTOR CARRIER PENALTIES AND DISQUALIFICATIONS.

(a) GENERAL RULE.—Subject to subsections (b) and (c), a foreign motor carrier or foreign motor private carrier (as such terms are defined under section 13102 of title 49, United States Code) that operates without authority, before the implementation of the land transportation provisions of the North American Free Trade Agreement, outside the boundaries of a commercial zone along the United States-Mexico border (as such zones were defined on December 31, 1995) shall be liable to the United States for a civil penalty and shall be disqualified from operating a commercial motor vehicle anywhere within the United States as provided in subsections (b) and (c).

(b) PENALTY FOR INTENTIONAL VIOLATION.—The civil penalty for an intentional violation of subsection (a) by a carrier shall not be more than $10,000 and may include a disqualification from operating a commercial

motor vehicle anywhere within the United States for a period of not more than 6 months.

(c) PENALTY FOR PATTERN OF INTENTIONAL VIOLATIONS.—The civil penalty for a pattern of intentional violations of subsection (a) by a carrier shall not be more than $25,000 and the carrier shall be disqualified from operating a commercial motor vehicle anywhere within the United States and the disqualification may be permanent.

(d) SAVINGS CLAUSE.—No provision of this section may be enforced if it is inconsistent with any international agreement of the United States.

(e) ACTS OF EMPLOYEES.—The actions of any employee driver of a foreign motor carrier or foreign motor private carrier committed without the knowledge of the carrier or committed unintentionally shall not be grounds for penalty or disqualification under this section.

SEC. 219. TEST RESULTS STUDY.

(a) IN GENERAL.—The Secretary of Transportation shall conduct a study of the feasibility and merits of—

(1) requiring medical review officers to report all verified positive controlled substances test results on any driver subject to controlled substances testing under part 382 of title 49, Code of Federal Regulations, including the identity of each person tested and each controlled substance found, to the State that issued the driver's commercial driver's license; and

(2) requiring all prospective employers, before hiring any driver, to query the State that issued the driver's commercial driver's license on whether the State has on record any verified positive controlled substances test on such driver.

(b) STUDY FACTORS.—In carrying out the study under this section, the Secretary shall assess—

(1) methods for safeguarding the confidentiality of verified positive controlled substances test results;

(2) the costs, benefits, and safety impacts of requiring States to maintain records of verified positive controlled substances test results; and

(3) whether a process should be established to allow drivers—

(A) to correct errors in their records; and

(B) to expunge information from their records after a reasonable period of time.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the study carried out under this section, together with such recommendations as the Secretary determines appropriate.

Conform the table of contents of the bill accordingly.

Mr. SHUSTER. Mr. Chairman, this manager's amendment makes a number of technical changes and includes some additional programmatic provisions. The amendment increases safety enforcement by including the following: it authorizes the Department of Transportation to revoke the registration for a trucking company that has refused to pay its fines. It authorizes the Secretary to put out of service a truck that is not properly registered. That gives the Secretary the power to shut down a driver, truck or motor carrier upon finding that they are an imminent hazard to highway safety. It creates a unified registration system that will allow the Motor Carrier Administration to target unsafe trucking companies. It gives the Secretary enforcement authority over Mexican trucks operating illegally in the United States. The amendment also includes provisions including consumers' rights that have disputes involving the household goods moving industry.

I urge adoption of the amendment.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, I just want to observe that the issues in this manager's amendment have been very carefully worked out with cooperation on both sides on a bipartisan basis. We support the amendment in its entirety.

Mr. RAHALL. Madam Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from West Virginia (Mr. RAHALL).

Mr. RAHALL. Madam Chairman, I would ask of the distinguished chairman, the gentleman from Pennsylvania, a provision in the pending manager's amendment would eliminate the requirement that agreements entered into pursuant to section 13703 of title 49 are subject to a mandatory 3-year review by the Surface Transportation Board. In effect, this provision would make the STB's review discretionary rather than mandatory and return the process for reviewing these arguments to what it was prior to the enactment of the ICC Termination Act of 1995.

In this regard is it the gentleman's intention that the basis of the public interest test used to review these agreements shall continue to be limited to the national transportation policy set forth in section 13101–a of title 49?

Mr. SHUSTER. The gentleman is correct. In this regard the national transportation policy has been recognized as defining the public interest objectives for many years. It is certainly our intent that the Surface Transportation Board shall not deviate from this practice by entertaining issues plainly not within its purview and not within the scope of the national transportation policy.

Mr. RAHALL. Madam Chairman, I thank the gentleman, and as a point of further clarification, last year the STB seemed to question whether the uniform bill of lading is regarded as part of the classification process. This clearly came as surprise because in doing so the STB ignored well-established precedent regarding relationship of the UBL to classification.

Is it the gentleman's intention that the uniform bill of lading should continue to be part of the national motor freight classification?

Mr. SHUSTER. Madam Chairman, the uniform bill of lading has always been presumed to be part and parcel classification that is based on well-established precedent, and the Congress anticipated no changes in this arrangement with enacting either the Trucking Industry Regulatory Reform Act of 1994 or the ICC Termination Act of 1995.

Mr. RAHALL. Madam Chairman, I thank the gentleman.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SHUSTER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BALDACCI

Mr. BALDACCI. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BALDACCI:

Page 2, in the item relating to title I of the table of contents following line 4, insert ''SAFETY'' after ''CARRIER''.

Page 2, in the item relating to section 101 of the table of contents following line 4, insert ''Safety'' after ''Carrier''.

Page 4, line 12, insert, ''Safety'' after ''Carrier''.

Page 5, line 2, insert, ''**SAFETY**'' after ''**CARRIER**''.

Page 5, line 3, insert, ''SAFETY'' after ''CARRIER''.

Page 5, strike line 8 and insert the following:

''§ 113. National Motor Carrier Safety Administration.''.

Page 5, line 9, insert, ''Safety'' after ''Carrier''.

Page 6, line 4, insert, ''Safety'' after ''Carrier''.

Page 9, line 3, insert, ''Safety'' after ''Carrier''.

Page 10, line 2, insert, ''Safety'' after ''Carrier''.

Page 10, line 11, insert, ''Safety'' after ''Carrier''.

Page 10, line 12, insert, ''Safety'' after ''Carrier''.

Page 10, line 17, insert, ''Safety'' after ''Carrier''.

Page 14, line 9, insert, ''Safety'' after ''Carrier''.

Page 14, line 11, insert, ''Safety'' after ''Carrier''.

Page 14, line 13, insert, ''Safety'' after ''Carrier''.

Page 23, line 25, insert, ''Safety'' after ''Carrier''.

Page 24, line 3, insert, ''Safety'' after ''Carrier''.

Page 24, line 23, insert, ''Safety'' after ''Carrier''.

Page 25, line 4, insert, ''Safety'' after ''Carrier''.

Page 38, line 12, insert, ''Safety'' after ''Carrier''.

Amend the title so as to read ''To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.''.

Mr. BALDACCI (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. BALDACCI. Madam Chairman, I offer an amendment today, and first of all I want to commend the chairman of the committee, the gentleman from Pennsylvania (Mr. SHUSTER); the ranking member, the gentleman from Minnesota (Mr. OBERSTAR), for bringing this important bill to the floor today and also to thank the gentleman from

Wisconsin (Mr. PETRI) and the gentleman from West Virginia (Mr. RAHALL) for their leadership in bringing this legislation which is very important to our Nation today; and I rise to offer a simple amendment that will serve to buttress the spirit of this important legislation.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we examined the gentleman's amendment, and we accept it. We think it is a good one.

Mr. BALDACCI. Madam Chairman, I thank the gentleman from Pennsylvania.

Mr. OBERSTAR. Madam Chairman, will the gentleman yield?

Mr. BALDACCI. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, the gentleman's amendment enhances the safety purpose of this legislation, and we accept it.

Mr. BALDACCI. Madam Chairman, I thank the ranking member and the chairman.

I have a statement, and I ask that it be entered into the RECORD at this point and representing our communities and the people that have had devastating losses in Lisbon, Maine, and particularly Steve and Daphne Izer, and this very important legislation is a significant step in the right direction.

I commend Chairman SHUSTER and Ranking Member OBERSTAR for bringing this important bill to the floor today.

I rise to offer a simple but important amendment. My amendment would add one word to the title of the new National Motor Carrier Administration—''Safety.'' It will serve to buttress the spirit of this important legislation.

Madam Chairman, we must ask ourselves why it is that we are creating a new Motor Carrier Administration. Why are we taking the Office of Motor Carriers out of the Federal Highway Administration? The simple answer is to ensure safety. We are making this change to strengthen the administration, promulgation and effectiveness of motor carrier regulations. Safety is at the heart of what we are doing here today.

I am privileged to represent Steve and Daphne Izer, residents to Lisbon, Maine, who tragedy has thrust into the national spotlight. On October 10, 1993, their son, Jeff, and 3 other teenagers sat in the breakdown lane on an interstate in Maine waiting for help with their disabled car. Before help could arrive, the car was stuck by a commercial truck that drifted into the breakdown lane when the driver fell asleep. All four children were killed.

Steve and Daphne Izer were devastated by this loss. I commend them for funneling their grief into an on-going effort to make our roads safer. They founded the now nationally recognized advocacy group, Parents Against Tried Truckers. For six years, they have brought attention to the many issues that must be dealt with if we are to ensure the safety of the traveling public. They recognize that Safety must be our top priority. I couldn't agree more.

I am confident that all Members support making our highways safer for both automobiles and commercial trucks. We must continue to explore ways to combat trucker fatigue which is at the root of so many of our safety concerns. We must also continue to explore new technologies and business practices that might mitigate problems contributing to accidents. I am confident that this bill is a significant step in the right direction.

Madam Chairman, we owe it to our truckers and to all of the traveling public to ensure that this body is taking all the necessary measures to promote safety on our nation's roads. Adding ''safety'' to the title of the new administration will set the tone for the operations of the whole agency, create a positive atmosphere and lend to the credibility of this new entity. It will send a clear message that Safety is the primary focus and objective of this agency. I believe this is an amendment message, and I hope that all of my colleagues will support this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Maine (Mr. BALDACCI).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

At the end of the bill, add the following:

SEC. 220. USE OF RECORDING DEVICES IN COMMERCIAL MOTOR VEHICLES.

(a) FINDING.—Congress finds that the use of electronic control modules in commercial motor vehicles may prove useful to law enforcement officials investigating crashes on the Nation's highways and roads and may prevent the future loss of life.

(b) STANDARDS.—

(1) IN GENERAL.—The Administrator of the National Motor Carrier Administration shall work with interested parties to develop standards regarding access to, and the relevant data to be recorded by, electronic control modules in commercial motor vehicles.

(2) PRIVACY.—In developing standards under this section the Administrator shall ensure that the privacy of data recorded by electronic control modules is protected to the highest standard.

Conform the table of contents of the bill accordingly.

Ms. JACKSON-LEE of Texas (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from West Virginia (Mr. RAHALL), the gentleman from Pennsylvania (Mr. SHUSTER) very much. I thank the Committee on Transportation and Infrastructure for creating this very important agency, the Motor Carrier Administration Agency, to oversee motor vehicle safety on this Nation's highway.

My amendment would add a section to the end of the bill to direct the administrator or the agency to work with the trucking industry and interested parties to decrease the number of trucking accidents causing serious bodily harm. In particular, it would work to provide the opportunity for electronic control modules in investigating crashes on the Nation's highways and roads and may prevent future loss.

Mr. SHUSTER. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have examined this amendment. We think it is a good one, and we accept it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from Pennsylvania very much, and I would simply like to add that we have a letter from the American Trucking Association which in part says, ''We welcome your assistance in directing the National Motor Carrier Administration to move forward in aggressive fashion to accomplish this directive regarding devices.''

I will conclude by just noting that my district, Madam Chairman, has a number of interstate highways. We have already heard mention of Mrs. Groten who lost her husband and three children in a tragic trucking accident that involved speed and drinking. This amendment that I have will help protect truckers as well as those on our highways and byways, and it will prevent the number of truck-related deaths that reached 5,000 in 1997.

In addition, I want to thank both of my colleagues for providing for the coverage of illegal trucks coming in from Mexico as well. I am delighted to have their support.

Mr. OBERSTAR. Madam Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Madam Chairman, we are happy to accept the gentlewoman's amendment that will add to and enhance safety and will provide the means for reaching the desired objective.

Ms. JACKSON-LEE of Texas. I thank the gentleman very much.

I ask to have my complete statement in the RECORD, and additionally in an appropriate time I would like to put the American Truckers Association letter dated October 14 in the RECORD as well, supporting this amendment:

Madam Chairman, nearly 5,000 people are killed in truck related accidents in each of the past three years on our nation's highways. There are many agencies within our government that have a shared responsibility for safety on our nation's highways, including the Transportation Department, the NTSB and the Federal Highway Administration. Nearly all the parties involved in this debate agree that change needs to occur has the GAO estimates that without action to improve trucking safety, fatalities will continue to climb. But despite much talk and discussion, several hearings, and meetings over improving trucking safety we have had little action aimed at improving safety.

What we do have is accident after accident involving truck drivers who are too tired and

even drunk. A total of 5,374 people died in accidents involving large trucks which represents 13 percent of all the traffic fatalities in 1998 and in addition 127,000 were injured in those crashes.

I want to pause a moment to tell the American people about a remarkable woman from Houston, Texas. Ms. Groten has like too many Americans experienced the pain of losing her loved ones in a horrific trucking accident. She witnessed her entire family's death has they were burned alive as a result of a trucking accident. She lost her husband Kurt Groten (38 years old), and her three children David (5), Madeline (3) and Adam (1). Mrs. Groten was the only survivor of the crash and as she stated during the criminal proceeding ''. . . I remember standing there and screaming, My life is over! All of my children are dead!''

I am hopeful that Mrs. Groten's loss will not be in vain as we currently have the technology to address the frequency of trucking accidents on our roads. Truck related deaths reached a decade high of 5,398 in 1997. Last year, truck deaths were 5,374 roughly equivalent to a major airplane crash every other week. In less than three months, trucks from Mexico will be able to drive on every road in America yet 44 percent of those trucks crossing the border today are in such poor condition that they would be immediately taken out of service if inspected. Though commercial trucks represent 3 percent of all registered vehicles they are still involved in 13 percent of the total traffic fatalities.

My amendment/resolution would require the Administrator of the National Motor Carrier Administration to work with interested parties to explore a standard of protocol for access to, and the relevant data to be recorded, from the electronic control modules in commercial motor vehicles. The NTSB has pushed for this technology as a means of verifying the hours drivers work since 1990. Currently truck drivers must comply with the federal government's 60-year-old rule that they take eight hours of rest for every 10 behind the wheel.

Truckers are required to maintain logbooks for their hours of service. But truckers have routinely falsified records, and many industry observers say, to the point that they are often referred to as ''comic books.'' In their 1995 findings the National Transportation Safety Board found driver fatigue and lack of sleep were factors in up to 30 percent of truck crashes that resulted in fatalities. In 1992 report the NTSB reported that an astonishing 19 percent of truck drivers surveyed said they had fallen asleep at the wheel while driving. Recorders on trucks can provide a tamper-proof mechanism that can be used for accident investigation and to enforce the hours-of-service regulations, rather that relying on the driver's handwritten logs.

Madam Chairman, I know that the trucking industry is concerned by the added cost of the recorders as well as privacy issues. I also appreciate the fact that close to eighty percent of this country's goods move by truck and that the industry has a major impact on our economy.

As a result of the number of trucking accidents causing serious bodily injury and death and the industries concern over the privacy issues of black boxes being installed in trucks, I am offering an amendment stating that Congress may find the use of electronic control modules in commercial motor vehicles useful to law enforcement officials investigating crashes on our Nation's highways and roads.

My amendment would also direct the Administrator of the National Motor Carrier Administration to work with the trucking industry and interested parties to develop standards regarding the access to, and relevant data to be recorded by the electronic modules in commercial motor vehicles.

Madam Chairman there is no good reason that we should adhere to the advice of the NTSB and require these recorders on the trucks that navigate our highways.

I would like to thank Chairmen SHUSTER and PETRI, and Ranking Members OBERSTAR and RAHALL for working with me in moving forward on this very important legislation.

Putting our wallets before safety is simply foolish when the technology exists today which could save the lives of the constituents we represent.

AMERICAN TRUCKING ASSOCIATIONS,
Washington, DC, 14 October 1999.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives, Washington, DC.

DEAR MS. JACKSON-LEE: On behalf of the American Trucking Associations, I compliment you on your commitment to highway safety through your interest in ensuring trucks operate in a safer and more efficient manner.

The American Trucking Associations has had the opportunity to review your amendment regarding electronic control modules and the need for a single standard of protocol for their operation.

As you know, the industry has been working with the National Highway Traffic Safety Administration and the engine manufacturing industry to accomplish your goal. We welcome your assistance in directing the National Motor Carrier Administration to move forward in an aggressive fashion to accomplish this objective.

The American Trucking Associations looks forward to continuing to work with you on highway safety.

Sincerely,

JIM WHITTINGHILL,
Senior Vice President for Legislative and Intergovernmental Affairs.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The amendment was agreed to.

□ 1330

Mr. MENENDEZ. Madam Chairman, I move to strike the last word.

I rise to engage the gentleman from Minnesota (Mr. OBERSTAR), the ranking Democratic member of the Committee on Transportation and Infrastructure, in a colloquy.

I am extremely concerned about commercial passenger van safety as a result of what is happening in my own district, one of the most densely populated in the country.

Section 4008 of the Transportation Equity Act of the 21st century, TEA 21, enacted in June of 1998, provides that vehicles carrying more than eight passengers for compensation shall be subject to Federal Motor Carrier Safety regulations, except to the extent that within 1 year of enactment of TEA 21, the Secretary of Transportation specifically determines through a rulemaking proceeding to exempt any of these operators from these regulations.

In September of 1999, the Secretary issued two rules regarding commercial van safety. Neither of these rules immediately applies safety regulations to small passenger-carrying commercial vans. DOT proposes to require that these vehicles file a motor carrier identification report, mark their commercial motor vehicles with a U.S. DOT identification number, and maintain an accident register. If this proposal is made final, DOT would collect data for an unspecified period of time, and then presumably begin proceedings to consider whether the vehicles should be subject to Federal regulations.

Thus, today, 16 months after TEA 21 was signed into law, commercial operators are still not subject to motor carrier safety regulations; and DOT has just started proceedings to finally determine this issue.

I yield to the gentleman from Minnesota to see if he can give me some perspective.

Mr. OBERSTAR. Madam Chairman, I thank the gentleman for yielding.

I want to compliment him on his determination and especially his persistence on this issue which began during our consideration of TEA 21. TEA 21 did require the Department of Transportation to complete this important safety rulemaking within 1 year of enactment. As the gentleman from New Jersey has pointed out, it is now 16 months since TEA 21 was enacted, and small passenger-carrying commercial vehicles are still exempt from Federal motor carrier safety regulations. I am deeply disappointed in DOT's failure to act appropriately.

The Senate bill, as introduced by the chairman of the Commerce, Science and Transportation Committee, Mr. MCCAIN, includes a provision to apply Federal safety standards to these vehicles. This matter will be an issue, therefore, in any conference on this bill, and I look forward to working closely with the gentleman as we proceed to and through the conference.

I thank the gentleman for his concern.

Mr. MENENDEZ. Madam Chairman, I thank the gentleman for his information, and I look forward to working with the ranking member and the chairman of the full committee in hopefully trying to make some progress on this matter.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:
At the end of the bill, add the following:

SEC. 210. PASSENGER VAN SAFETY.

(a) OBJECTIVES.—The Secretary of Transportation shall conduct a comprehensive study to determine the causes of, and contributing factors to, crashes occurring in the State of New Jersey that involve vehicles designed to carry 9 or more passengers. The study shall also identify data, requirements, collection procedures, reports, and other measures that will help the Department of Transportation's and States' develop effective safety improvement policies and programs and identify activities and other

measures likely to lead to significant reductions in the frequency, severity, and rate-per-mile traveled of crashes involving such vehicles.

(b) CONSULTATION.—In designing and conducting the study, the Secretary shall consult with persons with expertise on—

(1) crash causation and prevention;

(2) commercial motor vehicles, drivers and their representatives, and carriers;

(3) highways and noncommercial motor vehicles and drivers;

(4) Federal and State highway and motor carrier safety programs; and

(5) research methods and statistical analysis.

(c) PUBLIC COMMENT.—The Secretary shall make available for public comment information about the objectives, methodology, implementation, findings, and other aspects of the study.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to Congress the results of the study, together with any legislative recommendations.

Conform the table of contents of the bill accordingly.

Mr. MENENDEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Madam Chairman, I rise to offer this amendment. Thousands of passengers ride in commercial passenger vans daily. I know because I see them driving throughout my district, one of the most heavily traveled and populated districts in the country. Currently, commercial passenger vans carrying less than 16 passengers do not have to meet Federal Motor Carrier Safety standards.

As a consequence, in New Jersey we have seen increasing violations of safety guidelines by commercial van operators that carry less than 16 passengers. Now, these are not typical van pools or church vans or limousines. That is not what we are concerned about. Rather, they are for-profit entities providing transportation services, hundreds of them over the same route, damaging each other. Two of them have hit pedestrians just within the last year.

So while many operators act in good faith and comply with safety guidelines, there are some who risk the lives of their passengers, pedestrians, and other vehicles on the road around them. They do not meet safety standards.

According to the Department of Transportation, however, there is still not enough data available to justify forcing these companies to comply with the Federal Motor Carrier Safety Regulations. That is why I am offering my amendment.

My amendment would have the DOT carry out a comprehensive study of commercial vans carrying more than eight passengers and submit the report to Congress in a year.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have studied this amendment, and we are prepared to accept it.

Mr. MENENDEZ. Madam Chairman, I appreciate the Chairman's support; and I know when to cease and desist.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ:

Page 34, strike line 6 and all that follows through the end of line 21, and insert the following:

SEC. 205. SAFETY VIOLATION TELEPHONE HOTLINE.

(a) STAFFING.—Section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note; 112 Stat. 413) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

''(c) STAFFING.—The toll-free telephone system shall be staffed 24 hours a day 7 days a week by individuals knowledgeable about Federal motor carrier safety regulations and procedures.''; and

(3) in subsection (e) (as redesignated by paragraph (1) of this section) by striking ''for each of fiscal years 1999'' and inserting ''for fiscal year 1999 and $375,000 for each of fiscal years 2000''.

(b) DISPLAY OF TELEPHONE NUMBER.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall issue regulations requiring all commercial motor vehicles (as defined in section 31101 of title 49, United States Code) traveling in the United States, including such vehicles registered in foreign countries, to display the telephone number of the hotline for reporting safety violations established by the Secretary under section 4017 of the Transportation Equity Act for the 21st Century (49 U.S.C. 31143 note).

Mr. GONZALEZ (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Madam Chairman, with the understanding that I will be withdrawing the amendment subject to discussions with the chairman and ranking member, the amendment I am offering today addresses a very important safety issue, and that is the reporting of unsafe tractor-trailer drivers and their equipment. I know that every Member of this House has been driving down the road with his or her family and seen one of the big commercial trucks speeding, weaving in and out of lanes and cutting people off. Also, we have seen trucks that appear to be in unsafe conditions operating on our highways.

My amendment would take a step in addressing this issue. My amendment would address and require that all trucks display the Department of Transportation hotline number, the 1–800 number, so that ordinary citizens, as they view the unsafe drivers or the unsafe equipment on our highways, would be able to simply get on their cell phones, because that is the condition of society today, and that is we all have cell phones in our cars, for the most part, to report these violations, or the unsafe conditions.

Mr. SHUSTER. Madam Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Madam Chairman, we have examined this amendment, and while I understand the gentleman is going to withdraw it, we will be happy to work with the gentleman as we move to conference on this to see if we may accommodate his interest.

Mr. OBERSTAR. Madam Chairman, if the gentleman will yield, I concur in the chairman's statement. We are very pleased to hear the gentleman's appeal. It is a very sound and sensible one. There are 1–800 numbers in other sectors of transportation. This matter needs further elaboration and we will work with the gentleman as we proceed through conference.

Mr. GONZALEZ. Madam Chairman, I appreciate looking to leadership on this issue, which is a very practical approach to a very complicated problem, but I appreciate my colleagues' assistance as we work through this.

Madam Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Are there further amendments to the bill? There being no further amendments to the bill, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CALVERT) having assumed the chair, Mrs. EMERSON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2679) to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes, pursuant to House Resolution 329, she reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. CALVERT). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 415, nays 5, not voting 11, as follows:

[Roll No. 501]

YEAS—415

Abercrombie	Cubin	Hayworth
Ackerman	Cummings	Hefley
Aderholt	Cunningham	Herger
Allen	Danner	Hill (IN)
Archer	Davis (FL)	Hill (MT)
Armey	Davis (IL)	Hilleary
Bachus	Davis (VA)	Hilliard
Baird	Deal	Hinchey
Baker	DeFazio	Hinojosa
Baldacci	DeGette	Hobson
Baldwin	Delahunt	Hoeffel
Ballenger	DeLauro	Hoekstra
Barcia	DeLay	Holden
Barr	DeMint	Holt
Barrett (NE)	Deutsch	Hooley
Barrett (WI)	Diaz-Balart	Horn
Bartlett	Dickey	Hostettler
Barton	Dicks	Houghton
Bass	Dingell	Hoyer
Bateman	Dixon	Hulshof
Becerra	Doggett	Hunter
Bentsen	Dooley	Hutchinson
Bereuter	Doolittle	Hyde
Berkley	Doyle	Inslee
Berman	Dreier	Isakson
Berry	Duncan	Istook
Biggert	Dunn	Jackson (IL)
Bilbray	Edwards	Jackson-Lee (TX)
Bilirakis	Ehlers	Jenkins
Bishop	Ehrlich	Johnson (CT)
Blagojevich	Emerson	Johnson, E. B.
Bliley	Engel	Johnson, Sam
Blumenauer	English	Jones (NC)
Blunt	Eshoo	Jones (OH)
Boehlert	Etheridge	Kanjorski
Boehner	Evans	Kaptur
Bonilla	Everett	Kasich
Bonior	Ewing	Kelly
Bono	Farr	Kennedy
Borski	Fattah	Kildee
Boswell	Filner	Kilpatrick
Boucher	Fletcher	Kind (WI)
Boyd	Foley	King (NY)
Brady (PA)	Forbes	Kleczka
Brady (TX)	Ford	Klink
Brown (FL)	Fossella	Knollenberg
Brown (OH)	Fowler	Kolbe
Bryant	Frank (MA)	Kucinich
Burr	Franks (NJ)	Kuykendall
Burton	Frelinghuysen	LaFalce
Callahan	Frost	LaHood
Calvert	Gallegly	Lampson
Camp	Ganske	Lantos
Campbell	Gejdenson	Largent
Canady	Gekas	Larson
Cannon	Gephardt	Latham
Capps	Gibbons	LaTourette
Capuano	Gilchrest	Lazio
Cardin	Gillmor	Leach
Castle	Gilman	Lee
Chabot	Gonzalez	Levin
Chambliss	Goode	Lewis (CA)
Clay	Goodlatte	Lewis (GA)
Clayton	Goodling	Lewis (KY)
Clement	Gordon	Linder
Clyburn	Goss	Lipinski
Coble	Graham	LoBiondo
Coburn	Granger	Lofgren
Collins	Green (WI)	Lowey
Combest	Greenwood	Lucas (KY)
Condit	Gutierrez	Lucas (OK)
Cook	Gutknecht	Luther
Cooksey	Hall (OH)	Maloney (CT)
Costello	Hall (TX)	Maloney (NY)
Coyne	Hansen	Manzullo
Cramer	Hastings (FL)	Markey
Crane	Hastings (WA)	Martinez
Crowley	Hayes	Mascara
Matsui	Pickering	Souder
McCarthy (MO)	Pickett	Spence
McCarthy (NY)	Pitts	Spratt
McCollum	Pombo	Stabenow
McCrery	Pomeroy	Stark
McDermott	Porter	Stearns
McGovern	Portman	Stenholm
McHugh	Price (NC)	Strickland
McInnis	Pryce (OH)	Stump
McIntosh	Quinn	Stupak
McIntyre	Radanovich	Sununu
McKeon	Rahall	Sweeney
McKinney	Ramstad	Talent
McNulty	Rangel	Tancredo
Meehan	Reyes	Tanner
Meek (FL)	Reynolds	Tauzin
Meeks (NY)	Riley	Taylor (MS)
Menendez	Rivers	Taylor (NC)
Mica	Rodriguez	Terry
Millender-McDonald	Roemer	Thomas
Miller (FL)	Rogan	Thompson (CA)
Miller, Gary	Rogers	Thompson (MS)
Miller, George	Rohrabacher	Thornberry
Minge	Ros-Lehtinen	Thune
Mink	Rothman	Thurman
Moakley	Roukema	Tiahrt
Mollohan	Roybal-Allard	Tierney
Moore	Rush	Toomey
Moran (KS)	Ryan (WI)	Towns
Moran (VA)	Ryun (KS)	Traficant
Morella	Sabo	Turner
Murtha	Salmon	Udall (CO)
Myrick	Sanchez	Udall (NM)
Nadler	Sanders	Upton
Napolitano	Sandlin	Velazquez
Neal	Sawyer	Vento
Nethercutt	Saxton	Visclosky
Ney	Schaffer	Vitter
Northup	Schakowsky	Walden
Norwood	Scott	Walsh
Nussle	Sensenbrenner	Wamp
Oberstar	Serrano	Waters
Obey	Sessions	Watkins
Olver	Shadegg	Watt (NC)
Ortiz	Shaw	Watts (OK)
Ose	Shays	Waxman
Owens	Sherman	Weiner
Oxley	Sherwood	Weldon (FL)
Packard	Shimkus	Weldon (PA)
Pallone	Shows	Weller
Pascrell	Shuster	Wexler
Pastor	Simpson	Weygand
Payne	Sisisky	Whitfield
Pease	Skeen	Wicker
Pelosi	Skelton	Wilson
Peterson (MN)	Slaughter	Wise
Peterson (PA)	Smith (MI)	Wolf
Petri	Smith (NJ)	Woolsey
Phelps	Smith (TX)	Wu
	Smith (WA)	Wynn
	Snyder	Young (FL)

NAYS—5

Chenoweth-Hage	Paul	Sanford
Metcalf	Royce	

NOT VOTING—13

Andrews	Green (TX)	Scarborough
Buyer	Jefferson	Tauscher
Carson	John	Young (AK)
Conyers	Kingston	
Cox	Regula	

□ 1359

Mr. METCALF changed his vote from ''yea'' to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: ''To amend title 49, United States Code, to establish the National Motor Carrier Safety Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. REGULA. Mr. Speaker, during the vote on H.R. 2679, the Motor Carrier Safety Act of 1999, I was unavoidably delayed. Had I been present, I would have voted ''yea.''

PERSONAL EXPLANATION

Mr. ANDREWS. Mr. Speaker, on roll call votes numbered 500 and 501, I was unavoidably detained because I was tending to family medical concerns, and I was unable to cast my vote. Had I been present, I would have voted ''aye'' on both of these votes.

□ 1400

MOTION TO INSTRUCT CONFEREES ON H.R. 1501, JUVENILE JUSTICE REFORM ACT OF 1999

Ms. JACKSON-LEE of Texas. Mr. Speaker, I offer a privileged motion.

The SPEAKER pro tempore (Mr. HANSEN). The Clerk will report the motion.

The Clerk read as follows:

Ms. JACKSON-LEE of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 1501, be instructed to insist that—

(1) the committee of conference should immediately have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions, and

(2) the committee of conference report a conference substitute by October 20, the six month anniversary of the tragedy at Columbine High School in Littleton, Colorado, and with sufficient opportunity for both the House and the Senate to consider gun safety legislation prior to adjournment.

The SPEAKER pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) will be recognized for 30 minutes, and the gentleman from Indiana (Mr. PEASE) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would think this House of Representatives and the United States Senate would want to be known to the American people as a Congress that works, a Congress that is responsive, a Congress that is sensitive to the needs of the American people.

I would prefer not standing here today. I would prefer actually being in conference to discuss H.R. 1501, the Juvenile Justice Reform Act, that includes gun safety measures that have been debated for a long time in the United States House of Representatives and, in fact, was passed out of the United States Senate. Yet now, it is October 14 and our conference has not yet had an additional meeting.

Next week, October 20, we will find ourselves 6 months in the anniversary or the commemoration of the tragedy at Columbine High School in Littleton, Colorado. I believe it is imperative that the Committee of the Conference report a conference substitute by that date, the 6-month anniversary of the tragedy at Columbine.

If we were to report a conference substitute, which we are perfectly able to do, we would then have sufficient time to bring to both the House and the Senate this legislation that the American people are asking for, along with the opportunity for the President of the United States to sign this bill.

Mr. Speaker, we need not repeat the figures that we have said over and over again. Thirteen children die every day from homicides. I have been dealing with this action and these issues for a long time. I am reminded of some 6 years ago, almost 7, 1992, 1993, as a member of the Houston City council, when we were having in the City of Houston any number of accidental shootings, children using guns and shooting children; babies taking guns; 3-year-olds accidentally finding guns and shooting another child.

We had a high number of these incidents where children were going into the emergency room. Fortunately, some of those children lived, but our medical professionals told us that we were spending as much as $65,000 for a child injured by a gun. We gathered our heads and our resources in a bipartisan manner, though my city council is not Republican or Democrat, and we passed the gun safety and responsibility act which held parents responsible, adults, for children getting guns in their hands.

Mr. Speaker, we saw a 50 percent decline, 50 percent decline, in the number of shootings and deaths by children, accidental, in Harris County and the City of Houston.

Now, today I stand before this body begging that we do the responsible thing, which is to pass gun safety legislation. The Senate passed gun safety legislation in early May, and the Republican House leadership waited over a month to consider gun safety legislation while the NRA drafted a phony loophole-filled bill that weakened the current law. More than a month has passed before conferees were appointed. We were asking every day, I remember, before we went on a work recess in August.

In the meantime, the Republican leadership again raised a phony issue to justify the delay. They actually claimed the ban on importing high-capacity ammo clips was a tax bill.

Let me at this point say there are many Republicans who agree that we should move forward. We have worked with the chairman of the Committee on the Judiciary on the House side, and I believe there are many issues that the gentleman from Illinois (Mr. HYDE) and Democrats, along with the gentleman from Michigan (Mr. CONYERS) on the Committee on the Judiciary and those of us appointed to the conference committee, can actually agree with.

Why then can we not do what the conference committee demands of us? Go to conference and generate a compromise to provide more safety features, more safety as it relates to guns for the American people.

The conference has held only one meeting, Mr. Speaker, over 2 months ago, only for the purpose of giving opening statements. Our appetite was whet at that time. We thought we were on the move. We thought we were going to have other meetings so that we could pursue this. It is outrageous, Mr. Speaker, that we have not had a serious working meeting for some 6 months since Columbine, and we have still done nothing.

This motion that I am offering today is an extremely important motion, Mr. Speaker, because it says the thing that the American people have sent us to do. It says, get to work immediately. Report a conference substitute by October 20, the 6-month anniversary of Columbine. Let us not have our words be of no substance, bring no comfort to the American people.

I remember the leader of this House, the gentleman from Missouri (Mr. GEPHARDT), telling us of the terrible moment he had in going to the funeral of those young people in Columbine; and he said the most moving experience he had was that of a parent who lost a child who said, simply, Mr. Leader, will you do something, will you do something?

Now, today, October 14, nearly the 6-month anniversary of that tragedy, we have done nothing. We must give the House and the Senate time to consider gun safety before this session of the Congress adjourns. Mr. Speaker, this is a simple request.

Mr. Speaker, I reserve the balance of my time.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the Speaker knows, there are many ways to reach decisions. Conference committees do their work publicly. They do their work privately and, in fact, the reason that conferees on this conference committee are not here on the floor today to respond to the presentation made by the gentlewoman from Texas (Ms. JACKSON-LEE) is that they are at this moment engaged in negotiations and discussions on this issue.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding me time.

Mr. Speaker, I rise in strong support of the motion to instruct conferees on the juvenile justice bill. A number of us on this side of the aisle came down several mornings in a row and read the names of young people that had died because of gun violence since Columbine. We read the names of the average of 13 children killed every day, a Columbine every day in this country, due to gun violence. We read their names, and we read their ages; 10-, 11-, 14-, 15-year-olds killed by gun violence since Columbine.

Now the Members of the conference committee have an opportunity to respond to that, to say we are going to do something. Are we going to stop all the killing? No, we are not going to stop all the killing. Can we save some lives? Can we save some children from being on that list? We can do that. Millions of American families are counting on Congress to help end the cycle of violence that has taken the lives of too many children. We must have a juvenile justice bill that includes these modest, common sense gun safety measures that are so widely supported by the American people.

The Senate passed these common sense gun safety provisions this year, and it would require the sale of child safety locks with each handgun. Who could possibly be opposed? We could prevent every single accidental shooting of children that pick up a handgun.

Close the gun show sales loophole. Why not prevent criminals from getting handguns at gun shows? And ban the importation of large capacity ammunition clips. We, however, have failed to pass any gun safety measures this year. I urge, along with my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), the House negotiators to agree to the Senate's common sense gun safety measures, and I urge them to do it now. It is time to pass, past time to pass, sensible gun safety legislation to protect our children and safeguard our communities.

I urge my colleagues to support this motion to instruct.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentlewoman from Illinois (Ms. SCHAKOWSKY), because she has recounted where we are in this lack of activity on this very important issue. Might I remind my colleagues that Columbine was not the only tragic incident that we faced with our children suffering the frightening experience of having guns in schools and seeing young people with guns.

Conyers, Georgia, one month after Littleton, Colorado. In addition, several shootings took place in Illinois, particularly the terrible shooting during on the July 4 holiday when Benjamin Nathaniel Smith in a hateful rampage killed 2 people and injured 9 others. On July 29, Mark Barton from Atlanta, Georgia, killed nine people and wounded 13; and on August 5, the day the conference committee finally met, Allen Eugene Miller, Pelham, Alabama, went into his former places of employment and killed two co-workers and a third person at another company.

None of us have been able to get out of our minds the terrible tragedy in Los Angeles of the Jewish Community Center as we saw babies running out of their day care center, hands holding on to police for dear life, while a deranged shooter who had gotten a gun from a gun show, ultimately traced back to a gun show, and took his deranged mind

and his deranged attitudes and shot individuals at a day care center and ultimately killed another individual.

Mr. Speaker, the issue of this motion to instruct is for the House and the Senate conferees to get to work.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Chicago, Illinois (Mr. RUSH), my friend and a member of the Committee on Commerce.

Mr. RUSH. Mr. Speaker, I rise in support of this motion to instruct. It is very simple for me, Mr. Speaker. It is vital that the conference committee move forward on this very, very important and crucial piece of legislation, H.R. 1501.

Mr. Speaker, let me remind the Members here that the Senate passed gun safety legislation in early May of this year, early May, Mr. Speaker. Now it is mid-October, and we still have no action on this particular bill.

The House, Republican House leadership, waited over a month to consider gun safety legislation. While they waited, in the back room, in the smoke-filled back room, the NRA was busy at work drafting a phony loophole-filled bill that weakened even the current law.

□ 1415

More than a month passed before the conferees were appointed. In the meantime, the Republican leadership raised phony issues, blue slipping issues to justify their delay. Any excuse for delay was the order of the day, any excuse.

The most suspicious argument was foisted upon this body, excuse after excuse, delay after delay. They actually claim, Mr. Speaker, as a final resort, they claim the ban on importing high-capacity ammo clips was really a tax bill. How ludicrous. How ridiculous.

Mr. Speaker, it is so shameful that the conference has held only one meeting, and this was over 2 months ago, on this very, very important and critical issue.

The people in my district, the First District of Illinois, they are pleading, they are begging, they are waiting for this Congress to do something about gun safety. They want us to move, and they want us to move quickly.

Mr. Speaker, 6 months have passed, 6 months since Columbine, and still this body has done nothing. While we have sat around like knots on a log, sat around while guns are taking the lives of our children all across this Nation.

The Jackson-Lee motion to instruct simply instructs conferees to get to work, get to work immediately, get to work now, report the conference substitute by October 20, the 6-month anniversary of Columbine, and give both the House and the Senate time to consider gun safety before this session of Congress adjourns.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate very much the gentleman from Illinois (Mr. RUSH) pointing out that our task here is to save lives. I want to note that, interestingly enough, the Colt manufacturer has recognized that the gun has been an instrument that has been used to kill our children in its refusal to manufacture any more handguns.

Mr. Speaker, I yield 2½ minutes to the gentlewoman from Connecticut (Ms. DELAURO), the assistant to the minority leader.

Ms. DELAURO. Mr. Speaker, nearly 6 months ago, a devastating shooting at Columbine High School claimed 15 lives. It opened the eyes across the country to the tragedies that occur when guns are allowed into children's hands. Nearly 6 months and numerous deaths since Columbine, the Republican leadership of this House still has taken no action to keep guns out of the hands of children and criminals.

It should not take a Columbine or Jonesboro or a Los Angeles day care center shooting to get Congress to do the right thing, to enact common-sense gun safety measures. Daily double digit death counts of children because of guns ought to be enough to spur us to act.

Sadly, nearly 6 months since Columbine, nothing has been done. The Republican leadership that tried to water down and kill gun safety legislation at the bidding of the NRA earlier this year seems to be on the NRA payroll still.

The House and Senate are supposed to be working toward a compromise on juvenile justice legislation, but only one meeting has been held in the past 2 months, and it was only a symbolic gathering.

It is time for action. We need a strong bill that will keep firearms out of the hands of those who should not have them. At the very least, the final bill must include the Senate-passed gun safety measures and exclude the kind of poison pills that Republican leaders recently have used to try to block essential efforts such as campaign finance reform and a patients' bill of rights. Children's lives are much too important for such games.

Just this week, families in Connecticut were given another chilling reminder of the need to keep children and guns apart. The Hartford Courant's headlines captures what has become all too familiar: ''Two Boys, A Gun, Another Nightmare.'' It reads, ''In the Montville case, State police said Austin Lamb, 7, and brother Alex Lamb, 9, were apparently playing with a long-barreled weapon, either a rifle or a shotgun, in their grandparents' bedroom when the gun went off Sunday morning. Austin died of a single gunshot wound to the head.''

It is time for Congress to enact common-sense gun safety measures. Let us be responsive to the parents, to the families, to the children of this country. I applaud the gentlewoman from Texas (Ms. JACKSON-LEE) and her motion to instruct.

Mr. PEASE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I voted for this legislation when it was up for a House vote, and it failed to get the appropriate number of votes. I think it is a shame that there was a disagreement, maybe, on both sides with the suggestion that there be a 24-hour waiting period, a concern somewhat about whether 24 hours was legitimate.

I called the FBI, and I said, well, what happens in the current 3-day waiting period when you find afterwards that some individual has lied on the application plus taken possession of the gun? They said, well, there were many of those, something like 5,000 last year that they found out after the 3-day waiting period that they committed, really, two felonies. They committed one felony on lying on the application and they committed another felony by taking possession of that gun when they were prior-convicted felons.

I said, well, what happens then? They said, well, in all except a few cases, because they had committed a double felony, we went after them aggressively. We called the ATF. We called local law enforcement. We not only caught and started prosecuting most all of those individuals that we found out later had violated two laws, really, but we confiscated the weapons.

So it seems to me that, in the question of 24 hours, if somehow we have that good of record in terms of ATF and FBI and local law enforcement going after these individuals now that have committed two felonies, that there is some advantage in coming to some kind of an agreement that is reasonable to help assure that we close this loophole at gun shows and simply do not let it go on for partisan reasons.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me comment. I was trying to agree with the gentleman from Michigan (Mr. SMITH), particularly if the gentleman is talking about we need to close gun show loopholes. I have to remind the gentleman that one of the problems with the initiatives we passed in the House was that it opened a gaping loophole which most law enforcement opposed.

The limitation of 24 hours would not protect or provide opportunity for law enforcement to check gun shows that fall usually on Saturdays and Sundays. It does not give them the 3-day or 72 hours that was needed to close the loopholes that would allow the Mack truck, and I do not want to put anything on truckers, of criminals to drive through it, get their guns, and commit 10 felonies, not just two felonies.

So I hope the gentleman from Michigan is, in fact, agreeing that we in the conference committee can get to this meeting and develop a compromise

that would truly close the loopholes that we are all facing that allows criminals to get guns in their hands and to commit felonies.

Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Massachusetts (Mr. MEEHAN), who is a former prosecutor and joins me as a member of the conference committee on H.R. 1501, trying to pass real gun safety.

Mr. MEEHAN. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for her motion to instruct conferees in this issue. I have to say it is unacceptable, unconscionable that we have had one meeting in the conference committee as violence continues, as accidents with guns continue all across this country, and Congress does nothing.

The fact of the matter is, in America today, 13 young children a day die as a result of gun violence. As I go across my District in Massachusetts and talk to students, talk to high school students, talk to young people, they say, why is it that we can have so many problems with guns in America? Why is it that we could let 6 months go by from the tragedy in Columbine High and have the Congress of the United States respond by doing nothing?

We had a meeting of the conference committee, one meeting, and there was a discussion, and everybody sort of dug in. We have made zero progress.

The other body stood up and took a vote on gun safety measures that are reasonable, that make sense. The time has come to enact this legislation.

How frustrating it is to go back to my home district in Massachusetts and talk to the law enforcement community or to talk to the people that have been involved with the gun safety program in Boston, Massachusetts, a national model, and try to explain to them why we cannot get anything done in the Congress of the United States to send reasonable gun safety measures over to the President for his signature.

I cannot help but think, Mr. Speaker, about the enormous influence of these special interests, whether it is the NRA or the other groups that are trying to prevent the Congress from doing the right thing in this legislation, and just to look to see the enormous influence that they have in making contributions to the political system that is in desperate need of reform as that issue is debated in the other body. How fortunate we could be if we could take away the special interests and make decisions based on the merits.

The time has come for this Congress to take action. How many kids need to die before this Congress steps up to the plate and passes real gun safety legislation? We should be ashamed of the fact that we have let 6 months go by with the American public crying for action, crying for reasonable gun safety measures, but here we are capitulating, procrastinating, delaying.

I thank the gentlewoman from Texas for her motion, and I urge my colleagues to push the members of the conference committee to stop this delay and pass real meaningful gun safety legislation.

All we have to do is look at the tragedies that happen across this country. How many more children need to die as a result of lack of reasonable gun safety measures before this Congress takes a stand? All my colleagues need to do is talk to the members of the school departments in their district, to talk to young people, to talk to law enforcement officials. The time has come for action, reasonable gun safety measures.

So I urge the Congress to vote in favor of the Jackson-Lee motion to instruct conferees. I ask the Members of this body to move the conference committee ahead, and let us send this issue to the President within the next week or so. America is waiting for our action.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to ask the gentleman from Massachusetts (Mr. MEEHAN), we serve on the conference committee, but I also know in our work together in the Committee on the Judiciary, his work as a former prosecutor, there is some complaint or angst about the enforcement of laws. I do not think any of us have disagreed with the enforcement of laws.

But maybe the gentleman can comment on the value of having laws on the books that will be tools by which various loopholes can be closed so that prosecutors, whether they are State prosecutors or Federal prosecutors, can, in fact, have the tools to be able to prosecute.

The way the legislation is now postured out of the House as juxtaposed against the Senate, the conference is the only place where we can put together a good substitute to give those tools to close the loopholes where criminals every day are marching into gun shows randomly and recklessly taking guns and using them against innocent law-abiding citizens.

Mr. Speaker, I yield to the gentleman from Massachusetts (Mr. MEEHAN) to talk about the tools.

Mr. MEEHAN. Mr. Speaker, I thank the gentlewoman from Texas on that. I guess the best evidence that I would present is the Boston gun safety tracing program that even the opponents of gun safety measures in the conference committee brought up the Boston program and said that is a model. Let us just enforce those laws that are on the books.

□ 1430

The reality is that there are States, and Massachusetts is one of them, that are taking the initiative to go beyond what the Federal has. They have not waited for the Congress to act. Because if they waited for the Congress to act, under the Massachusetts gun safety laws, we would not have been able to institute the gun safety measures in Boston where guns that are used in the commission of a crime are being traced and those tracing those guns have enabled them to pull in more arrests, to reduce violence in Boston, to reduce violence in any of the jurisdictions where they have undertaken these gun safety projects.

But we need to provide the tools for law enforcement to take those models across the country where they have worked to learn from those areas of the country where we have all actually been able to reduce violence with guns and use those procedures and use those law enforcement techniques across the country.

One of the things we want to see in this bill passed is the resources to implement the tools of those areas where they are working so effectively.

I heard members of the conference committee on both sides of the aisle talking about the areas of the country where gun safety measures have worked with law enforcement working with the schools and working with prosecutors, working with the U.S. Attorney's Office and the FBI. And I would suggest that that effort in Boston, a national model where violence with handguns and violence with guns have dramatically been reduced as a result of it, that is all we need to look at. The fact is, Massachusetts has enacted gun safety legislation that Federal law enforcement officers have been able to use to make that program so effective.

So I think that if we look at those national models, then it is clear to see that we have an enormous opportunity to reduce gun violence measures simply by giving law enforcement the tools that they need.

Ms. JACKSON-LEE of Texas. Mr. Speaker, reclaiming my time, let me also note and compliment the community of the gentleman from Massachusetts (Mr. MEEHAN) for having at least 18 months to 2 years where they did not have the shooting of one single teenager, I believe, through this program, which means that his community had the tools, prosecutors had the tools, law enforcement had the tools in order to ensure that they save lives.

It really strikes me as strange that those who argue, our Republican friends, let law enforcement enforce the laws would now have a stalemate where we cannot even get into the conference committee and discuss amendments such as the one that I am recommending where children have to be accompanied by adults going to gun shows, where we are closing that 24-hour loophole, and where we are recognizing that trigger locks are important, ammunition clips utilized by Buford Furrow on August 10, as we just mentioned, who ran into a Jewish community center and subsequently killed a postal worker with guns with an automatic clip.

These are laws that we can in a consensus come to pass, hand over, if you will, those laws to the United States

attorneys and to local officials to begin to enforce these. And yet we would not do it.

Mr. MEEHAN. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. MEEHAN. Mr. Speaker, why in the world would anyone think it is a bad idea to have an adult with a young person that goes into a gun show to buy a gun? Why in the world would anybody think that it is okay for children in America to go into a gun show and get a gun without the requisite background checks? Why would anybody think that is okay?

No one in this country thinks it is okay. Eighty-five percent of Americans say, why can we not do something about it? So I thank the gentlewoman for her comments, and the point that she brings up is just so valid. Who would ever think that was okay?

Mr. PEASE. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 2¼ minutes to the distinguished gentleman from Virginia (Mr. MORAN), a member of the Committee on Appropriations.

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished gentlewoman from Texas (Ms. JACKSON-LEE) for bringing this legislation up.

Obviously, the purpose of this is to continue to keep the public focused on the urgency and importance of gun legislation. It is unfortunate we use the term ''gun control.'' This is simply common sense attempts to do what rational people would want done in the context of what has become a crisis situation in our schools and in our communities.

But what this legislation that has been suggested does not do is terribly important to emphasize. It does not prevent anyone from using rifles. It does not make it illegal to own handguns. It does not confiscate or require the registration of handguns. It does only three relatively marginal things. It says if they are at gun shows, then they ought to have the same requirements as retail gun shop owners in selling handguns. That makes sense, have the same requirements.

Why make it so much easier for people at a gun show? Why should we be importing large magazine clips? That does not make a lot of sense. They are not for the purpose of hunting. They are for the purpose of killing, and they are the weapons of choice for drug dealers. And then why not have child safety locks?

We do not let children drive automobiles. We require them to know what they are doing. We ought to make it difficult for children to be able to have access to guns. It seems to me these are marginal things, and they are suggested in the light of a critical situation.

Canada and other civilized countries have about a dozen deaths from firearms in a year. We have over 20,000. That is too many. Look at the differences. It is not that people hunt less in Canada. They hunt more. But they require people that have access to guns to be able to know how to use them. That is common sense.

Mr. PEASE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I advise my colleagues that we understand this is a difficult, complex, and emotional issue. It is not an issue without disagreement between members of both political parties within the parties and between the parties.

Even today, conferees from our party are working to try and reach a resolution on these terribly complex issues. But they are faced with the fact that there is not consensus within the Democratic party, nor is there consensus within the Republican party, nor is there consensus within the House or the Nation within the specifics. Yet, they are committed to bringing a conference committee report to this House before the end of this session for our consideration. We should give them the time to do so.

Mr. Speaker, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a simple proposition to my colleagues. It is about keeping guns out of the hands of children and criminals. It is a vote to encourage the conference to meet.

My good friend on the Committee on the Judiciary knows full well that the Democrats are not engaged in this debate, that they are not inside these negotiations. American people want action. That action, Mr. Speaker, is to vote for this motion to instruct, that we have a substitute before October 20 to keep guns out of the hands of children and guns out of the hands of adults, to stop the proliferation of guns in this Nation and the killing of 13 children by guns every single day.

The American mothers, the American fathers, the American families want us to stand up and be counted against this kind of tragedy in America.

For my friends in Texas, this is not a vote against the Second Amendment. This is a vote for the Constitution and for the Second Amendment. Gun safety must be passed in America.

The SPEAKER pro tempore (Mr. HANSEN). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 174, nays 249, not voting 10, as follows:

[Roll No. 502]

YEAS—174

Abercrombie	Gonzalez	Obey
Ackerman	Gutierrez	Olver
Allen	Hastings (FL)	Owens
Andrews	Hinojosa	Pallone
Baldacci	Hoeffel	Pascrell
Baldwin	Holt	Pastor
Barrett (WI)	Hooley	Payne
Becerra	Horn	Pelosi
Bentsen	Hoyer	Pomeroy
Berkley	Inslee	Porter
Berman	Jackson (IL)	Price (NC)
Bilbray	Jackson-Lee (TX)	Ramstad
Blagojevich	Johnson, E. B.	Rangel
Blumenauer	Jones (OH)	Reyes
Boehlert	Kennedy	Rivers
Bonior	Kildee	Rodriguez
Borski	Kilpatrick	Rogan
Brady (PA)	Kleczka	Rothman
Brown (FL)	Kucinich	Roukema
Brown (OH)	Kuykendall	Roybal-Allard
Campbell	LaFalce	Rush
Capps	Lantos	Sabo
Capuano	Larson	Sanchez
Cardin	Lazio	Sanders
Clay	Leach	Sawyer
Clayton	Lee	Schakowsky
Clyburn	Levin	Scott
Coyne	Lewis (GA)	Serrano
Crowley	Lipinski	Shays
Cummings	Lofgren	Sherman
Davis (FL)	Lowey	Slaughter
Davis (IL)	Luther	Smith (WA)
Davis (VA)	Maloney (CT)	Snyder
DeFazio	Maloney (NY)	Spratt
DeGette	Markey	Stabenow
Delahunt	Martinez	Stark
DeLauro	Matsui	Stupak
Deutsch	McCarthy (MO)	Tancredo
Dicks	McCarthy (NY)	Tauscher
Dixon	McDermott	Thompson (CA)
Doggett	McGovern	Thompson (MS)
Dooley	McNulty	Tierney
Doyle	Meehan	Towns
Dunn	Meek (FL)	Udall (CO)
Edwards	Meeks (NY)	Udall (NM)
Engel	Menendez	Upton
Eshoo	Millender-McDonald	Velazquez
Evans	Miller, George	Vento
Farr	Mink	Visclosky
Fattah	Moakley	Waters
Filner	Moore	Watt (NC)
Forbes	Moran (VA)	Waxman
Ford	Morella	Weiner
Frank (MA)	Nadler	Wexler
Franks (NJ)	Napolitano	Weygand
Frelinghuysen	Neal	Woolsey
Frost	Oberstar	Wu
Gejdenson	Obey	Wynn
Gephardt	Olver	

NAYS—249

Aderholt	Boyd	Cubin
Archer	Brady (TX)	Cunningham
Armey	Bryant	Danner
Bachus	Burr	Deal
Baird	Burton	DeLay
Baker	Callahan	DeMint
Ballenger	Calvert	Diaz-Balart
Barcia	Camp	Dickey
Barr	Canady	Dingell
Barrett (NE)	Cannon	Doolittle
Bartlett	Castle	Dreier
Barton	Chabot	Duncan
Bass	Chambliss	Ehlers
Bateman	Chenoweth-Hage	Ehrlich
Bereuter	Clement	Emerson
Berry	Coble	English
Biggert	Coburn	Etheridge
Bilirakis	Collins	Everett
Bishop	Combest	Ewing
Bliley	Condit	Fletcher
Blunt	Cook	Foley
Boehner	Cooksey	Fossella
Bonilla	Costello	Fowler
Bono	Cox	Gallegly
Boswell	Cramer	Ganske
Boucher	Crane	Gekas

Gibbons	Lewis (KY)	Salmon
Gilchrest	Linder	Sandlin
Gillmor	LoBiondo	Sanford
Gilman	Lucas (KY)	Saxton
Goode	Lucas (OK)	Schaffer
Goodlatte	Manzullo	Sensenbrenner
Goodling	Mascara	Sessions
Gordon	McCollum	Shadegg
Goss	McCrery	Shaw
Graham	McHugh	Sherwood
Granger	McInnis	Shimkus
Green (WI)	McIntosh	Shows
Greenwood	McIntyre	Shuster
Gutknecht	McKeon	Simpson
Hall (OH)	Metcalf	Sisisky
Hall (TX)	Mica	Skeen
Hansen	Miller (FL)	Skelton
Hastings (WA)	Miller, Gary	Smith (MI)
Hayes	Minge	Smith (NJ)
Hayworth	Mollohan	Smith (TX)
Hefley	Moran (KS)	Souder
Herger	Murtha	Spence
Hill (IN)	Myrick	Stearns
Hill (MT)	Nethercutt	Stenholm
Hilleary	Ney	Strickland
Hilliard	Northup	Stump
Hinchey	Norwood	Sununu
Hobson	Nussle	Sweeney
Hoekstra	Ortiz	Talent
Holden	Ose	Tanner
Hostettler	Oxley	Tauzin
Houghton	Packard	Taylor (MS)
Hulshof	Paul	Taylor (NC)
Hunter	Pease	Terry
Hutchinson	Peterson (MN)	Thomas
Hyde	Peterson (PA)	Thornberry
Isakson	Petri	Thune
Istook	Phelps	Thurman
Jenkins	Pickering	Tiahrt
Johnson (CT)	Pickett	Toomey
Johnson, Sam	Pitts	Traficant
Jones (NC)	Pombo	Turner
Kanjorski	Portman	Vitter
Kaptur	Pryce (OH)	Walden
Kasich	Quinn	Walsh
Kelly	Radanovich	Wamp
Kind (WI)	Rahall	Watkins
King (NY)	Regula	Watts (OK)
Klink	Reynolds	Weldon (FL)
Knollenberg	Riley	Weldon (PA)
Kolbe	Roemer	Weller
LaHood	Rogers	Whitfield
Lampson	Rohrabacher	Wicker
Largent	Ros-Lehtinen	Wilson
Latham	Royce	Wise
LaTourette	Ryan (WI)	Wolf
Lewis (CA)	Ryun (KS)	Young (FL)

NOT VOTING—10

Buyer	Jefferson	Scarborough
Carson	John	Young (AK)
Conyers	Kingston	
Green (TX)	McKinney	

□ 1501

Messrs. PETRI, GREENWOOD, THOMAS, PICKERING, GANSKE, SMITH of Texas, NUSSLE and HILLIARD changed their vote from ''yea'' to ''nay.''

Messrs. LAZIO, JACKSON of Illinois, FRELINGHUYSEN and VISCLOSKY changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1500

PROVIDING FOR CONSIDERATION OF H.R. 3064, DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 330 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 330

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes. The bill shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. HANSEN). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 330 is a closed rule providing for consideration of H.R. 3064, the D.C. appropriation bill for fiscal year 2000. The rule provides for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Appropriations. Additionally, the rule waives all points of order against the bill. House Resolution 330 also provides for one motion to recommit with or without instructions, as is the right of the minority of the House.

Mr. Speaker, House Resolution 330 is a closed rule recognizing the full and fair debate that the House had on similar legislation on July 27, 1999. This rule will assist the House to move forward in the appropriations process.

I regret that it is necessary to bring another appropriations measure to the floor to fund the District of Columbia. As my colleagues know, Congress sent a bill to President Clinton on September 16 of this year that funded the District government at levels above those requested by the President and with almost no changes from the bill he signed a year earlier. Unfortunately, the President used this bill to send an early message to Congress and the American people he would be playing politics with the budget again this year.

The precursor to the underlying legislation, H.R. 2587, appropriated the total of $429 million in Federal funding support for the District, 35 million above the President's request. The bill sent 6.8 billion in District funds back to the people of Washington, $40 million more than was requested by the President. Apparently, Mr. Speaker, this was not enough.

I was very disappointed when the President vetoed the District funding bill, but I was most surprised by the issue cited by the President in his veto message. The President chose to put a bizarre agenda of free needles and legalized drugs over the interests of the citizens of Washington, D.C. He vetoed it because it would not allow the District to distribute needles to drug addicts or legalize marijuana.

The President's intent to allow the District to use Federal dollars to fund needle exchanges is only the latest time he has been on the wrong side of this issue. Last year Secretary Shalala indicated the Clinton administration would lift the ban on Federal funding, but when the drug czar, Barry McCaffrey, denounced the move saying it would sanction drug use, the White House upheld the Federal ban but continues to trumpet the effectiveness of needle exchange programs. This clever triangulation technique saved him from a political debacle; but it exposed his true convictions on this issue.

What kind of message do we send to our kids when our government tells them not to do drugs, but then supplies them with needles? As noted by the Heritage Foundation's Joe Loconte, quote, ''The Clinton administration has tacitly embraced a profoundly misguided notion that we must not confront drug abusers on moral grounds. Instead we should use medical interventions to minimize the harm and the behavior it invites,'' close quotes.

Such a policy ignores that drug addiction is an illness of the soul as much as the body. We, as a Nation, have a responsibility to set moral and legal standards that demand responsible behavior and enabling drug users to engage in illegal behavior does nothing to end their tragic addiction or stop the spread of drugs in America.

Another reason President Clinton vetoed this bill is because he believes the District residents should be allowed to legalize marijuana. Not only does the President want D.C. residents to be able to use marijuana, but he also wants them to be able to grow it for their friends. Once again his own drug czar, General Barry McCaffrey, has said that, quote, ''Smoked marijuana is not medicine. It has no curative impact at all,'' close quotes.

In fact, the drug czar advises against using marijuana for medical purposes, exactly the language used in the D.C. referendum. Still, the President vetoed the D.C. appropriations bill over this issue. This completely undercuts the consistent and responsible ''Just Say No'' message by General McCaffrey and Congress who are working to keep illegal drugs out of our schools and off our streets.

Over the last several months Congress and the President have been debating over the best way to spend the American people's hard-earned tax dollars. We have talked about education, Social Security, and our national defense. We have a lot of differences on these issues, but this is something I had hoped that we could agree on. Spending taxpayer dollars to fuel the habit of drug addicts is not only irresponsible, it is wrong.

There was a time when the President agreed that these provisions made

sense. That time was 1 year ago when the President signed into law a District appropriations bill that contained the same responsible restrictions on Federal funds. This year, though, President Clinton has changed his tune and set aside the war on drugs for a war in Congress. I doubt the American people would consider this move a valuable use of public funds.

Some of my colleagues on the other side are going to use today's rule as an opportunity to harass this Congress and its leadership, but the real lack of leadership here is in the White House. When thousands of police officers work the streets every day to rid our Nation of drugs, they should at least be able to expect that the chief law enforcement officer in the land supports them and the laws that they protect. Congress has worked with the President on some of the objections he raised to the bill, but this Congress will not be moved from its conviction that legalized drugs and enabling drug users sends all the wrong messages to our young people as they wrestle with these issues in our communities back home.

I congratulate the gentleman from Oklahoma (Mr. ISTOOK) for his admirable work on this legislation, and I urge my colleagues to support this fair rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority is going to spend a lot of time today talking about marijuana and needles and drug addicts. I want to make it very clear that I am not in favor of the legalization of marijuana or needle exchange or doing anything that will further the use of illegal drugs in the District of Columbia or anywhere else in this country. But, Mr. Speaker, I also want my Republican colleagues to understand why many Democrats are going to oppose this rule and oppose this bill. We are going to oppose the bill and the rule because the Republican majority does not want to talk about anything else except what they want to talk about. No one else can get a word in edge-wise. We are going to oppose the bill because the Republican majority refuses to sit at the table with the administration, with the delegate from the District of Columbia, or with the Democratic members of the Committee on Appropriations to negotiate on this bill.

Mr. Speaker, we are now way beyond any one rider in this bill. The administration, the District, and the gentlewoman from the District of Columbia (Ms. NORTON) have all indicated that they are willing to be flexible on these issues. We oppose this rule and this bill because the Republican majority has closed the process and will not even give the people of the District of Columbia the simple courtesy of listening to their concerns.

Mr. Speaker, I had the opportunity in recent weeks to point out to my Republican colleagues that it seems they support local control only when it suits their purpose. Round two of the District of Columbia appropriations for fiscal year 2000 is another case in point. This bill is no improvement over the last because the Republican majority seems intent on adopting an attitude of Father Knows Best. Following the President's veto of the first D.C. appropriations bill, the Republican majority refused to sit down and talk about what should be done to move this bill. Instead, the Republican majority has chosen to use the D.C. appropriations bill as a political paint brush in an attempt to unfairly paint the administration and congressional Democrats as being soft on drugs.

I want to reiterate that I am not endorsing the legalization of marijuana or making needles available to IV drug users. No, Mr. Speaker, I am endorsing the idea of allowing the District the right that every other jurisdiction in this country now enjoys, the right of self-determination. The Republican majority has denied over a half million people that right by refusing to engage in any discussion about how best to settle this matter. As a consequence, I will join the delegate from the District of Columbia in opposing this bill.

To add insult to injury, the Republican majority is bringing this bill to the floor under a completely closed rule. I think it is a forgone conclusion what the outcome of any vote on any of these issues might be. But the fact that the Republican majority does not want to give the delegate this opportunity to represent her constituents is really unconscionable.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

At this time I would like to point out to my friend from Texas (Mr. FROST) that making this administration look bad on drug policies is the easiest thing we can do.

Mr. Speaker, I yield such time as he may consume to the gentleman from Oklahoma (Mr. ISTOOK), chairman of the Committee on Appropriations' Subcommittee on the District of Columbia.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding time.

I think it is important to note that the reason we will discuss certain issues today is not because I, as author of the bill and chairman of the subcommittee, it is not because I have selected some issues to talk about. The reasons we will talk about certain issues today, the reason is that the President of the United States, William Jefferson Clinton, sent to this Congress a veto of the bill that we sent him to fund the District of Columbia; and the President of the United States selected seven reasons in his veto message that he wrote to Congress, that William Jefferson Clinton said are the reasons he vetoed the bill and that people on the other side of the aisle have accepted as their reasons for opposing it.

Now, contrary to what the gentleman has represented, I know personally because I am the one involved, that we have sought endlessly to talk with the Members on the other side of the aisle, with the delegate from the District of Columbia. I have talked personally with the President's representative, Mr. Jack Lew of the Office of Management and Budget; I have offered to sit down with him whenever he was willing to do so. They do not respond, and I will not yield, not at this time. We have offered. They just want to say, ''Oh, the District of Columbia ought to be free to make up its own mind if marijuana is going to be legal here.''

□ 1515

Now, Mr. Speaker, I would submit that we can save $16 billion a year of taxpayers' money if the President and my friends on the other side of the aisle want to go ahead and surrender in the national war against drugs, because that is how much we are spending. And if we say that any part of the country can declare itself a safe haven, a safe haven for marijuana or any other drug, then the result is going to be we no longer have a national policy against drugs, we no longer have a national law, so why are we spending this $16 billion a year.

I did not pick this fight. The President, the President vetoed the bill for this reason. The delegate for the District of Columbia took the House floor and in conversations has said, oh, let us make up our own minds whether we are going to honor and obey the drug laws that cover the rest of the country. I read an editorial in the paper today that said, the new phrase is probably going to be that D.C. stands for Drug Capital, because of the people that will want to flock here. And for people to use the pretense, the pretense that oh, this is about local control, this is about people able to make their own decisions, is such a red herring. If we want a Federal law, if it is important to have a Federal law on issues, then make it uniform and national. If not, it is no good.

Mr. Speaker, I am reading from the President's veto statement that he sent to this Congress when he vetoed the bill. I am quoting his own words: ''Congress has interfered in local decisions in this bill in a way that it would not have done to any other local jurisdiction in the country,'' which, Mr. Speaker, is frankly absurd, because the drug laws cover every city in the country. He went on: ''The bill would prohibit the District from legislating with respect to certain controlled substances. Of course, he means marijuana.'' That is all the bill talked about. It says the District of Columbia has to follow the same drug laws as the rest of the country, and he objects to that. The President wrote this. He went on to say, ''Congress should not impose such conditions on the District of Columbia.''

Mr. Speaker, if he does not want a national law to combat the terrible scourge and plague of drugs, that is his position; he is entitled to it; and I am entitled to object.

Let me read what the police chief of Washington, D.C. has submitted publicly about this whole effort. This is a statement that was put out by the police chief of Washington, D.C. a year ago when this issue arose, when they had this ballot initiative. I quote Chief Charles Ramsey: ''Legalized marijuana under the guise of medicine is a surefire prescription for more marijuana on the streets of D.C., more trafficking and abuse, and more drug-related crime and violence in our neighborhoods. This measure would provide adequate cover in the name of medicine for offenders whose real purpose is to manufacture, distribute, and abuse marijuana,'' end of quote. These efforts are going on around the country.

The Clinton administration sent its drug policy people here to Capitol Hill to testify long before this bill ever came up, and it was the testimony from the Clinton White House's Drug Czar, General Barry McCaffrey, testimony to this Congress, quote: ''Medical marijuana initiatives present even greater risks to our young people. Referenda that tell our children that marijuana is a medicine sends them the wrong signal about the dangers of illegal drugs, increasing the likelihood that more children will turn to drugs. Permitting the medical use of smoked marijuana,'' and he put medical in quotes, ''will send a false and powerful message to our adolescents that marijuana use is beneficial. If pot is medicine, teenagers, rightfully, will reason, how can it hurt you? We can ill afford to send our children a mixed-up message on marijuana.''

Testimony to this Congress from the White House's own Drug Czar, now contradicted by the President.

And then the Drug Enforcement Agency, part of the Clinton administration's Justice Department, in testimony just this summer to this Congress, told us, and I quote again: ''Medical marijuana is merely the first tactical maneuver in an overall strategy that will lead to the eventual legalization of all drugs,'' end of quote. That is the Clinton administration's own Justice Department.

But now they say, under a pretext, a pretense of local control, let us say it is okay for Washington, D.C., under flimsy guidelines to legalize marijuana.

We have had testimony from the Clinton administration's own antidrug people that we pay through our tax money confirming that smoking marijuana is never medically indicated. It is not necessary to relieve any suffering or health problems. And the Justice Department testified to us that these so-called medical marijuana initiatives are draining their resources, robbing them of time and money and resources, to fight the drug problems, because they have to deal with these spurious attempts to override national drug laws with these local initiatives. That is the administration's point.

This bill expressly, expressly disproves the effort that was put on the ballot in Washington, D.C. to legalize marijuana in the Nation's Capital. If one votes against the bill, one is voting that it is okay to have drugs legalized in Washington, D.C. I do not care how much one claims to the contrary, I do not care how many smoke screens one throws up to us, that is the issue. Hide behind whatever one thinks is big enough to hide behind. But the issue is, are we against drugs? Are we trying to combat drugs before they get ahold of our kids, or are we declaring a truce and a surrender in the war against drugs? We are going to yield back this country one city at a time, one State at a time; go ahead and legalize it here, undercut all the drug laws, we do not care. I do not care what argument one throws up against it. That is the issue.

The President of the United States picked the issue by vetoing this bill and sending the veto message that he did, and no one can escape that.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Texas for yielding me this time.

To the gentleman from Oklahoma, what I would like to suggest, notwithstanding all of the rhetoric that the gentleman just shared with us, is that if the gentleman would agree to add one word and drop one provision that has nothing to do with drugs, then we would accept this bill, this bill gets signed, and this whole discussion is moot. It will be done. We cannot tell the President what to do, but from this side; not that we would want to disagree with the gentleman's premise, but the reality is that if the gentleman would simply let the District of Columbia use its own funds to review the court cases that are currently involved so that the D.C. Corporation Council can advise the D.C. City Council on what cases are currently pending in court, then we could accept this. That is all we are asking.

We are not fighting on this drug issue. We may disagree; we may feel that D.C. has the right to determine what is in its own interests. We may feel that it is appropriate to allow private funds to be used for legal purposes. But we also recognize we have a responsibility for the District of Columbia government to be able to function; and the fact is, this is a decent appropriations bill if it were not for all of these ideological riders.

The gentleman will recall that in the full Committee on Appropriations, we got some compromises. We did not ask for a lot. We got a compromise where the majority of the committee, bipartisan, agreed we will just put in with the use of public funds for any needle program. Forget the fact that it is used so that they can provide drug treatment and counseling and so on. Go ahead and ban the use of public funds, but do not try, through a Federal appropriations bill, to say private people cannot contribute money for private purposes. It is a nonprofit private organization. That is all we asked.

So there was a compromise, and we went to this floor in a spirit of compromise. And if the gentleman will recall, that bill passed overwhelmingly. It was a good appropriations bill. It was a right thing for the District of Columbia. We go into conference and there is virtually nothing that happens. We lose that spirit of compromise.

Now we are here on the floor. I would not want to suggest that the only reason we are here is so that we can make some charges against the Clinton administration and the Democrats, charges that are clearly unfounded, charges that are clearly not right. In fact, the Clinton administration came out strongly against the medicinal use of marijuana even, came out strongly against any of the programs that the gentleman is suggesting. The gentleman has already quoted Clinton administration officials, but what they want to preserve is the right of the citizens of the District of Columbia to run their own affairs. That is the issue here.

All that the gentleman would have to do is to add one word, and that is ''Federal,'' simply add that with regard to voting rights. That is all that we are talking about. And then, D.C. City Council can use public money, local, tax revenue so that its D.C. Corporation Council can advise it on bills that directly affect the D.C. government that are in the court.

Right now, the gentleman says D.C. government cannot use its own local funds to even advise the D.C. council on the status of the voting rights legislation. That is not fair. Prohibit Federal funds; do not prohibit D.C. local funds. Make that adjustment; we will find a way to get this bill over to the President's desk; and we will recommend signature. And we will have fulfilled our responsibility.

So for all of the protestations, for all of the rhetoric, here we have a negotiation. It is a reasonable offer. It has nothing to do with drugs, nothing to do with the social riders that the gentleman has been talking about. Accept it, we will move forward. We will fight these other issues maybe in another year, or on another appropriations bill, but let us do the right thing by the D.C. government, by the D.C. citizens. Let us keep this out of some omnibus bill where they lose control of the ultimate fate of this bill. It is a small bill. Let us do the right thing on this.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time.

This is new, it has not been discussed before, and I would suggest that the gentleman from Virginia get together with the chairman of the committee, because this is not what we are hearing from the administration. The administration is saying we have some real problems with local control. We want them to go ahead and put in the provisions to legalize marijuana for medical purposes.

So I think we ought to just look at the provisions that the President is supporting, because I have with me the legislative text for the medical marijuana provisions and it says some very interesting things. It says, medical patients who use and their primary caregivers who use marijuana can avoid any of the District of Columbia drug laws; and they can designate who their primary caregivers are.

Let us just see, who are these primary caregivers that can completely avoid the drug laws that we have here in America. They can designate, and by the way, this is based on a recommendation from a physician which can be oral, it does not have to be in writing, it can be oral. This is the oral recommendation that one can use medical marijuana, and then one can designate this primary caregiver. A medical patient may designate or appoint a licensed health care practitioner, sibling, so one could have their brother be the primary caregiver; a child, someone below the age of 18, a child can be the primary caregiver; or other relative, domestic partner, case management worker or best friend; they can be your primary caregiver, and this designation does not need to be in writing, it can be verbal too.

□ 1530

So that says if you get some oral recommendation from a physician that you can use marijuana, you can say, I am not going to get it myself. I can designate somebody to go get it for me. I want my child to go get it, my 6-year-old kid, my eight-year-old kid. Send them down to the playground or wherever they are selling marijuana in the District of Columbia, they can possess that marijuana and take it back to the person to do drugs, to do the medical marijuana, a child. A child can be put in that position.

I have seen from personal experience children going to school with lunch money, and the bully of the school, of the play yard, said, give me a quarter or you can't come in. I want a quarter of your lunch money. The child says, okay, here is a quarter. Now it changes the whole scope of things. Here is a child in legal possession of marijuana. What is the bully going to ask for this time? Do Members think this will not proliferate drugs in the District of Columbia?

We want to make this a shining jewel of this Nation, one of the best cities in the Nation, something we can all be proud of; a safe place, not a drug haven, not the drug capital, our Nation's Capital. That is what we are leaning for here, and that is what the President is fighting for.

It is not over the budget. We have accepted the District of Columbia's budget, what was passed by their city council, what was approved by their Mayor. It is in this bill. The difference is the drug policy. That is what the President has narrowed this down to, the drug policy.

The gentleman from Virginia has aptly pointed out that he cannot speak for the administration. The administration has other ideas. This is one of them. This is one of the things that we are so worried about. I just would urge my colleagues to avoid any changes and to support this bill. This is a good bill.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, my wife is a medical social worker. She has worked at D.C. General, she has worked at Georgetown Hospital. She has seen crack babies. Nobody has to lecture me or her or anybody else on that side of the aisle on the idiocy and stupidity of drugs. I hate them. I hate all drugs.

But we have a difference of opinion here. We have a difference of opinion about whether we will really save lives by guaranteeing clean needle exchanges for people who are crazy enough or hooked enough to continue the drug habit. We have a difference of opinion on whether we will save lives or not.

I also do not happen to agree with the referendum that passed D.C. about the medical uses of marijuana, but I do believe that the District government ought to have the power to work out a rational compromise that does close the door to pain without opening the door to drug abuse.

But that is not what is at issue here today, because I recognize that the majority would rather have ''Beat Up on Bill Clinton Day'' than to sit down and negotiate in a rational way to work out agreements on these two issues. So recognizing the hardheaded reality on that side of the aisle, I would also say hardhearted, but it would be against the House rules if I said that, so I will simply say, put those issues aside.

The gentleman from Virginia (Mr. MORAN) has just indicated we may disagree with the gentleman on those issues, but we think the string has been run out on that. So what we do stand here today asking that side to do is this: Recognize the fundamental right of taxpayers in any locality in this country to use their own dollars any blessed way they want in order to defend their own interests in a democratic society, when it comes to the question of whether or not they are going to be able to exercise the most precious right that any individual citizen has in a democracy, the simple right to vote and have that vote count. That is all we are asking at this point: put aside the differences on the drug issues and simply say, okay, you win.

And now let us get to the question of democracy. All we have to do, as the gentleman from Virginia said, is to add one word, the word ''Federal,'' so it makes clear that the D.C. government cannot spend Federal money to pursue the right of representation in a democratic system, but that they can spend their own money. What on God's green Earth is wrong with that?

Mr. LINDER. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, let me tell the gentleman what is wrong with it. What is wrong with it is it completely abrogates the responsibility of the Congress of the United States of America, representing the people of the country, to exercise exclusive legislation over the District of Columbia, which the Constitution provides. Members on that side have not mentioned it and there is a reason they have not, because they do not want to deal with it.

The fact of the matter is that our Founding Fathers placed full and complete plenary legislative authority over the District of Columbia in the hands of the Congress. If Members want to walk away from that and say the District of Columbia Council should have that authority, then fine, go ahead and propose a constitutional amendment. But those of us on this side have higher regard for our Constitution than to be a party to that.

We are not going to walk away from our responsibility reflecting the will of the people of the country by a large majority who do not want drugs legally flowing through the streets of the District of Columbia. They are already concerned enough about how many drugs are here, and the high murder rate. We are sure as heck not going to make it legal to do drugs in the District of Columbia. That, Mr. Speaker, is precisely what the District of Columbia wants to do.

As the gentleman from Oklahoma said, they can couch it in whatever flowery language they want to, and they can get down here with this self-righteous mantle of, do not lecture us about this or that, and people work in hospitals, and so forth. It is not hardhearted, it is not uncompassionate, to say no to drugs.

What does the President want to do? The President wants to allow drugs, marijuana specifically, as a gateway drug, in the District of Columbia. We on this side of the aisle say no.

Let me answer the question posed to us earlier by the gentleman from Virginia in his proposal, his so-called compromise: No, N-O. I do not know whether they misunderstand those two letters, but we are not interested in the sham of saying, they can do it with this money, but not this money.

Either we stand up against drugs in our Nation's Capital, or we cave in to it. We want to stand tall on this side.

We want to stand firm here and say, pursuant to our authorities under the Constitution of the United States of America, Article 1, Section 8, Clause 17, that we do have a responsibility here.

Our responsibility goes beyond simply the funding. It goes beyond simply dollars and cents. It goes to the fundamental issue of whether or not in our Nation's Capital we shall continue to fight against mind-altering drugs, or whether we shall surrender to it. The President wants to surrender, and we on this side of the aisle do not.

I appreciate the gentleman's offer. It is not a new one. They have tried it before. We argued last year about this. We argued this year about it. Apparently we are going to have to argue about it today. The answer is no.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Speaker, I understand the gentleman's point, but we have a misunderstanding as to the issue. I am not talking about the Federal use of funds for marijuana or for needles. This is only voting rights.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Speaker, my response to the gentleman from Georgia who just spoke is simply this. Of course the Congress has the constitutional authority to use its power to shove the District around, but the Constitution does not require that mature people in every instance use the full power that they have when another course is more fair and more rational and more just.

Just because we have the muscle does not mean it is always right to exercise it. Once in a while it pays to have a little sense of balance. That is what we are asking you to show for a change today.

Mr. FROST. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, very frankly, I will say to my friend, the gentleman from Georgia, his side of the aisle is so intent on making the political point, and a point with which I agree with reference to the use of marijuana, that it is not listening to what the gentleman from Virginia said. So intent are they on the politicization of this debate that they are ignoring the substance of this debate.

What the gentleman from Virginia said, they have seven riders on this bill. He said with respect to one rider, to which I am vigorously opposed and believe is exactly contrary to what the Founding Fathers had in mind, and that is the restriction on the District of Columbia to press its rights in the courts of this land by refusing it the opportunity to use its corporate funds, that is, tax dollars paid in by its citizens to its government, for the purposes of saying, we are being denied our rights under the Constitution of the United States, that is what my friend is trying to preclude the District of Columbia citizens from doing. But he is so intent on making his political point that it is the drugs issue that he wants to focus on, solely.

The gentleman from Virginia said nothing about that provision. What he said was that we would agree to this bill if that side added one word to the provision that prohibits 600,000 American citizens from pursuing their rights in the courts of this land, corporately.

The gentleman is the chairman of this committee said what I was saying was hogwash the last time we had this debate. One could make their own analysis of the substance of that kind of debate. But the fact of the matter is that he does prohibit in this bill the use of funds to pursue constitutional relief.

All the gentleman from Virginia is saying is, add ''Federal funds.'' I think that is wrong, but add ''Federal funds.'' Just because we have the power to do so, I would say that parents have the power to do things they ought not to do, and the State has the power to do things that it ought not to do. The fact of the matter is that we ought not to preclude Federal funds.

Let us assume that their side of the aisle, which has the majority votes, wants to preclude the District of Columbia from pursuing its constitutional relief by saying that they cannot use Federal funds. All the gentleman from Virginia is saying is, all right, let them use their own locally-raised funds to ask the Supreme Court or the circuit courts or the District court for relief.

If that is added, just that one word, what the gentleman from Virginia (Mr. MORAN) is offering is that we will support this bill and let it go; not because we agree with the other six, we do not necessarily agree with the other six, although I tend to agree with the gentleman's provision with reference to the provision that he is so offended by, but because we believe that this is the single most egregious provision I think we have included in any piece of legislation since I have been here, to say to 600,000 American citizens, we are not even going to allow you to use your corporately-raised funds for the purposes of redressing your constitutional grievances and protecting your constitutional rights.

Surely the gentleman from Georgia, who has talked about the Constitution, cannot support that provision.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, for Members, this may be a typical appropriation exercise. That is not what it is for me. It is my city Members are talking about. I have come forward on this rule not for the usual reasons. For me, I want to be clear that this is well beyond any particular provision of this bill.

The demagoguing that is done on the other side about drugs falls like a lead balloon. There is nobody in the United States, even those who detest Bill Clinton, that believes he wants to legalize drugs in the District of Columbia. I am going to let that one fall.

The problem identified by the gentleman from Kansas (Mr. TIAHRT) is entirely correct. That is why I had indicated that the way to address that is to send the matter to the city council, which has the power to change it or obliterate the whole matter. Nobody thinks in the United States of America that drugs are at issue here.

For me, this matter is well beyond any particular provision of this bill. For me, this matter is about something that has never happened in this House since I have been here, and I have asked all the old-timers if they have ever seen it happen.

For me, this is about bringing a bill to the floor for a vote after a veto without a single word of discussion with the man who must sign the bill or his agent, the President of the United States. It has never been done so long as anybody knows in the history of this House.

☐ 1545

Thus, I do not oppose this rule for the usual reason, that it is a closed rule. I oppose this rule because we have before us a unilateral document where no discussions have occurred with the White House, in spite of the fact that the White House on several occasions has come forward and asked for a discussion.

Mr. ISTOOK. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I certainly will not yield. I certainly will not yield, sir. I will not yield a single moment, sir. Not only am I not going to yield, I may ask for some more time to discuss what is happening to my city.

The SPEAKER pro tempore (Mr. HANSEN). The gentlewoman from the District of Columbia (Ms. NORTON) still has the time.

Ms. NORTON. No, I am not going to yield. I have yielded too much. I let this bill go on this floor to conference, when many on my side said it should not. I yielded then, and the gentleman promised me that he would move on the matter that has been brought up here by several Members on voting rights for the people of my city, to have their corporation counsel look at the papers that had been prepared by a private law firm to see whether or not they were in order. I yielded. I am not going to yield this time.

For me, this is a new low in this House to proceed after a veto, stonewalling the President who comes forward and says I think we can work this out, let us have a discussion. That is all this is about.

I was so concerned that I marched over, just a couple of hours ago, to see the gentleman from Illinois (Mr. HASTERT) because I believe he is a fair

man. I must say he saw me right on the spot. I marched over because I could not believe that he was part and parcel of not even having a word of discussion before we unilaterally brought a bill to the floor, inviting a veto. I am supposed to get up here and say to Democrats, vote no. You are supposed to get up here and say to Republicans, vote yes. Big exercise. Big ritual for you. Serious business for the more than half million people I represent. I was trying to break through it.

I am pleased the Speaker saw me. He said, ''Eleanor, we do intend to have negotiations after this vote.''

I said, ''Fine. Let us have it before so that there is no posturing on the floor about drugs, so that I do not have to get up and talk about home rule.''

Do it the way it is always done. Let us sit back and talk about it now. The administration is ready. I have talked with them.''

The Speaker listened. His staff listened. He said that he would take it under advisement. There was a postponement. I thought maybe we were getting somewhere. Obviously people have been talking back and forth, but then we were told that the bill was in order.

All that is left, since the President of the United States must agree on this bill, all that is left is for me to ask for a no vote on this rule in order to begin discussions. And, my friends, I want you to hear my words, ''begin.'' Discussions did not collapse. They have never begun.

When there is a veto, the only way to settle the matter is indeed to sit down with the adversary to see whether things can be straightened out. That is the way I have done business for my city ever since the first day I walked into this House in 1991. That is the way I intend always to do business for my city, and I ask for the respect that I think that I am due, to have you sit down with the agents of the President of the United States, so that Members of the House and the Senate can talk with them about whether we can get somewhere and, if we cannot then let us come back, have this vote and go the next step. That courtesy has not been given to me. I think I am entitled at least to that.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. Mr. Speaker, there are other things that I will want to say before we conclude this debate, but in response to the, frankly, incredible statements just made by the gentlewoman from the District of Columbia (Ms. NORTON), having spent many hours talking with people, having told the White House just yesterday talking with their designated person on this that I would meet with them, I would change my schedule any, and they just do not get back to me. We keep trying. We have talked with them. I have done it personally.

I have talked with the gentlewoman. I have talked with other people. Ma'am, I take huge offense at your false representation that we have not been trying to work with people.

I would further submit, if the gentlewoman and other people would publicly call on the President to renounce his veto message, where he vetoed this over the marijuana laws in D.C., we would make great progress.

Why cannot the other side get this marijuana issue beside us by calling on the President to retract his veto message that the other side defends instead?

Mr. FROST. Mr. Speaker, I yield 1 additional minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, there is a veto SAP over here. The only reason there is a veto SAP over here is that instead of sitting down in a room with the administration, you have insisted upon unilaterally coming to the floor and you know good and well that the administration, Jack Lew himself called you personally and said to you that he was willing to negotiate any time; that you give one story, the Senate people give another story.

Instead of doing what you have done on every bill, which is everybody get in the room or get on a conference call and see what you can agree to, instead you get one person saying something that is exactly the opposite of another person, no agreement; and you do not get everybody sitting together trying to work out the bill the way you did on HUD/VA, the way you did on every bill; and that is the kind of respect that I think we are entitled to and you have not given us and you have not given the President of the United States.

Mr. FROST. Mr. Speaker, I yield 3 additional minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, I thank the distinguished gentleman from Texas (Mr. FROST) for yielding me this time.

First of all, let me say to my friend and colleague, the gentleman from Oklahoma (Mr. ISTOOK), in defense of what my friend and colleague, the gentlewoman from the District of Columbia (Ms. NORTON), said we have two issues, as the gentleman knows, that could resolve this entire debate.

One is voting rights, which we have offered, and it simply says, as the gentleman from Maryland so eloquently expressed, just prohibit Federal funds. That is all.

The other is an issue that in a bipartisan way we discussed at length in the full Committee on Appropriations. We brought out all the scientific studies. We explained that this needle program is really for the purpose of bringing drug addicts in, enabling Whitman-Walker Clinic to provide drug treatment for them. It is access to people in desperate need of help.

We are not trying to use any Federal funds. The use of all public funds can be prohibited. Just let them use private funds; and that is what the bipartisan, full Committee on Appropriations agreed to, bar the use of public funds. Let Whitman-Walker conduct its own affairs, though, with private funds.

If those two provisions were accepted, the White House told the gentleman from Oklahoma (Mr. ISTOOK), it could accept this bill; it could accept this bill. The gentleman from Oklahoma (Mr. ISTOOK) told the gentlewoman from the District of Columbia (Ms. NORTON) he would work out the Voting Rights Act in conference. It was not done. That is why the gentlewoman is so upset. The gentleman said he would do it, and it did not get done. The gentleman can say he tried, but it did not happen.

With regard to needles, we are just saying bar the use of public funds, and that is what Members of the gentleman's side of the aisle agreed.

Mr. Speaker, let me just conclude the point that I was making. This side is not being intransigent. This side feels very strongly about all of the issues in the veto message, but this side wants to make an agreement.

This side wants to move forward. This side wants to find some bipartisan commonality. We are not asking for anything that has not been accepted by the majority of this body, really. Voting rights, and the amendment that was accepted in a bipartisan way on barring the use of public funds, this is not unreasonable.

All we have to do, and that is what the White House has suggested, buy into those, we will fight the issues another day. That is what we should do.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank my colleague, the gentleman from Georgia (Mr. LINDER), for yielding me this time.

Mr. Speaker, let me see if we can maybe narrow down the scope of our disagreement. My concern is with section 167 of this piece of legislation, specifically section 167(a) which says, ''None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative,'' and section 167(b) which states, ''The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.''

Now, is it my understanding that the gentleman from Virginia (Mr. MORAN) is willing to accept that language? Is he stating that he has no problem with either section 167(a) or 167(b)?

I would yield to the gentleman from Virginia (Mr. MORAN) to answer that.

Mr. MORAN of Virginia. Mr. Speaker, will the gentleman yield?

Mr. BARR of Georgia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. I would say to the gentleman from Georgia (Mr. BARR), we have lots of problems with the language. What we want is to reach a compromise and get this appropriations bill.

Mr. BARR of Georgia. Reclaiming my time, I thought that the gentleman from Virginia (Mr. MORAN) previously was saying that we needed to insert the word ''Federal,'' and then I understand from the gentleman from Maryland he was talking about a different section; but I implied from that, apparently erroneously, that the gentleman from Virginia (Mr. MORAN) has no problem with section 167(a) or (b), but apparently he does.

Mr. MORAN of Virginia. We have lots of problems, but we would like to work out a compromise.

Mr. BARR of Georgia. Reclaiming my time, I thought maybe we had narrowed down the areas of disagreement so the other side does disagree with the prohibition in this bill that would stop the District of Columbia from moving forward with legalization of marijuana. This again clarifies the issue. I really thought we had reached an agreement on 167(a) and (b), but the gentleman from Virginia (Mr. MORAN) informs me that we have not.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I recognize this is unusual. I appreciate how much people are trying to find some common ground and agreement here. There has been so much movement on the floor, so much more, I must say, than has taken place in any discussions, that I would ask that instead of going forward with the bill now that we go off this floor now and see if we can reach some kind of agreement on this bill.

I think everybody who has spoken has moved this forward. I cannot say what we have agreed to, but I can say that I think that the very process of talking back and forth for the first time has been a good process, and we ought to continue it rather than march down the line so we have hardened lines again and have to start all over again.

Mr. ISTOOK. Mr. Speaker, will the gentlewoman yield?

Ms. NORTON. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Is the gentlewoman willing to say publicly that she will accept the provision that does not permit the legalization of marijuana, Proposition 59, in the District of Columbia? Will the gentlewoman say that?

Ms. NORTON. My own position on the legalization of marijuana is well known. I oppose the legalization of drugs.

What I would like to move us ahead on is what we can do with the particular provisions in the bill. We have recognized all along that some of these provisions are going to be changed; that we have differences here but we have never been able to get down in a room and see what, in fact, can be done.

All I am saying is I am willing to do that right now and believe that the way to move this bill forward is to, in fact, take hold of the discussions that have begun here and try to come to agreement.

□ 1600

Mr. FROST. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. Hansen). The gentleman from Texas (Mr. FROST) has 3½ minutes remaining. The gentleman from Georgia (Mr. LINDER) has 6½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would only ask the gentleman from Georgia (Mr. LINDER), the manager of the rule, whether he is willing to entertain the suggestion by the gentlewoman from the District of Columbia (Ms. NORTON) that the rule be temporarily withdrawn from the floor so that the possibility of compromise can be pursued.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, the gentleman from Georgia would like to inform the gentleman from Texas (Mr. FROST) that, as soon as he uses up his 3½ minutes, I intend to move the previous question.

Mr. FROST. So the answer to my question is no.

Mr. LINDER. Mr. Speaker, the answer is no.

Mr. FROST. Mr. Speaker, we have heard some very interesting debate on this bill. It is unfortunate that we cannot reach a compromise. It is clear the other side is unwilling to pursue a compromise at this point.

Mr. Speaker, I urge a ''no'' vote on the rule.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to close by saying this is a fair rule, considering the fact that this entire bill was debated openly and at great length on July 27 or 28, that we have keen knowledge of what is in this bill from both sides.

I urge the House to support this rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 217, nays 202, not voting 14, as follows:

[Roll No. 503]

YEAS—217

Aderholt	Gilman	Pease
Archer	Goode	Peterson (PA)
Armey	Goodlatte	Petri
Bachus	Goodling	Pickering
Baker	Goss	Pitts
Ballenger	Graham	Pombo
Barr	Granger	Porter
Barrett (NE)	Green (WI)	Portman
Bartlett	Greenwood	Pryce (OH)
Barton	Gutknecht	Quinn
Bass	Hansen	Radanovich
Bateman	Hastings (WA)	Ramstad
Bereuter	Hayes	Regula
Biggert	Hayworth	Reynolds
Bilbray	Hefley	Riley
Bilirakis	Herger	Rogan
Bliley	Hill (MT)	Rogers
Blunt	Hilleary	Rohrabacher
Boehlert	Hobson	Ros-Lehtinen
Boehner	Hoekstra	Roukema
Bonilla	Horn	Royce
Bono	Hostettler	Ryan (WI)
Brady (TX)	Houghton	Ryun (KS)
Bryant	Hulshof	Salmon
Burr	Hunter	Sanford
Burton	Hutchinson	Saxton
Callahan	Hyde	Schaffer
Calvert	Isakson	Sensenbrenner
Camp	Istook	Sessions
Campbell	Jenkins	Shadegg
Canady	Johnson (CT)	Shaw
Cannon	Johnson, Sam	Shays
Castle	Jones (NC)	Sherwood
Chabot	Kasich	Shimkus
Chambliss	Kelly	Shuster
Chenoweth-Hage	King (NY)	Simpson
Coble	Knollenberg	Skeen
Coburn	Kolbe	Smith (MI)
Collins	Kuykendall	Smith (NJ)
Combest	LaHood	Smith (TX)
Cook	Largent	Souder
Cox	Latham	Spence
Crane	LaTourette	Stearns
Cubin	Lazio	Stump
Cunningham	Leach	Sununu
Davis (VA)	Lewis (CA)	Sweeney
Deal	Lewis (KY)	Talent
DeLay	Linder	Tancredo
DeMint	LoBiondo	Tauzin
Diaz-Balart	Lucas (OK)	Taylor (NC)
Dickey	Manzullo	Terry
Doolittle	McCollum	Thomas
Dreier	McCrery	Thornberry
Duncan	McHugh	Thune
Dunn	McInnis	Tiahrt
Ehlers	McIntosh	Toomey
Ehrlich	McKeon	Upton
Emerson	Metcalf	Vitter
English	Mica	Walden
Everett	Miller (FL)	Walsh
Ewing	Miller, Gary	Wamp
Fletcher	Moran (KS)	Watkins
Foley	Morella	Watts (OK)
Fossella	Myrick	Weldon (FL)
Fowler	Nethercutt	Weldon (PA)
Franks (NJ)	Ney	Weller
Frelinghuysen	Northup	Whitfield
Gallegly	Norwood	Wicker
Ganske	Nussle	Wilson
Gekas	Ose	Wolf
Gibbons	Oxley	Young (FL)
Gilchrest	Packard	
Gillmor	Paul	

NAYS—202

Abercrombie	Bonior	Crowley
Ackerman	Borski	Cummings
Allen	Boswell	Danner
Andrews	Boyd	Davis (FL)
Baird	Brady (PA)	Davis (IL)
Baldacci	Brown (FL)	DeFazio
Baldwin	Brown (OH)	DeGette
Barcia	Capps	Delahunt
Barrett (WI)	Capuano	DeLauro
Becerra	Cardin	Deutsch
Bentsen	Clayton	Dicks
Berkley	Clement	Dingell
Berman	Clyburn	Dixon
Berry	Condit	Doggett
Bishop	Costello	Doyle
Blagojevich	Coyne	Edwards
Blumenauer	Cramer	Engel

Eshoo	Lowey	Rodriguez
Etheridge	Lucas (KY)	Roemer
Evans	Luther	Rothman
Farr	Maloney (CT)	Roybal-Allard
Fattah	Maloney (NY)	Rush
Filner	Markey	Sabo
Forbes	Martinez	Sanchez
Ford	Mascara	Sanders
Frank (MA)	Matsui	Sandlin
Frost	McCarthy (MO)	Sawyer
Gejdenson	McCarthy (NY)	Schakowsky
Gephardt	McDermott	Scott
Gonzalez	McGovern	Serrano
Gordon	McIntyre	Sherman
Gutierrez	McKinney	Shows
Hall (OH)	Meehan	Sisisky
Hall (TX)	Meek (FL)	Skelton
Hastings (FL)	Meeks (NY)	Slaughter
Hill (IN)	Menendez	Smith (WA)
Hilliard	Millender-McDonald	Snyder
Hinchey	Miller, George	Spratt
Hinojosa	Minge	Stabenow
Hoeffel	Mink	Stark
Holden	Moakley	Stenholm
Holt	Mollohan	Strickland
Hooley	Moore	Stupak
Hoyer	Moran (VA)	Tanner
Inslee	Murtha	Tauscher
Jackson (IL)	Nadler	Taylor (MS)
Jackson-Lee (TX)	Napolitano	Thompson (CA)
Johnson, E. B.	Neal	Thompson (MS)
Jones (OH)	Oberstar	Thurman
Kanjorski	Obey	Tierney
Kaptur	Olver	Towns
Kennedy	Ortiz	Traficant
Kildee	Owens	Turner
Kilpatrick	Pallone	Udall (CO)
Kind (WI)	Pascrell	Udall (NM)
Kleczka	Pastor	Velazquez
Klink	Payne	Vento
Kucinich	Pelosi	Visclosky
LaFalce	Peterson (MN)	Waters
Lampson	Phelps	Watt (NC)
Lantos	Pickett	Waxman
Larson	Pomeroy	Weiner
Lee	Price (NC)	Wexler
Levin	Rahall	Weygand
Lewis (GA)	Rangel	Wise
Lipinski	Reyes	Woolsey
Lofgren	Rivers	Wu
		Wynn

NOT VOTING—14

Boucher	Cooksey	Kingston
Buyer	Dooley	McNulty
Carson	Green (TX)	Scarborough
Clay	Jefferson	Young (AK)
Conyers	John	

□ 1625

Mr. GUTIERREZ and Mr. BERMAN changed their vote from ''aye'' to ''no.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 2, DOLLARS TO THE CLASSROOM ACT OF 1999, AND H.R. 2300, ACADEMIC ACHIEVEMENT FOR ALL ACT

Mr. LINDER. Mr. Speaker, today a Dear Colleague letter was sent to all Members informing them that the Committee on Rules is planning to meet next week to grant a rule for the consideration of H.R. 2, the ''dollars to the classroom act of 1999.''

The Committee on Rules may grant a rule which would require that amendments to H.R. 2 be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor. Amendments should be drafted to the version of the bill reported by the Committee on Education and the Workforce.

A second Dear Colleague letter was also sent to all Members today informing them that the Committee on Rules is planning to meet next week to grant a rule which may limit the amendment process for floor consideration of H.R. 2300, the ''academic achievement for all act.''

The Committee on Education and the Workforce ordered H.R. 2300 reported on October 13 and is expected to file its committee report on Monday, October 18.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in Room H–312 of the Capitol by 2 p.m. on Tuesday, October 19. Amendments should be drafted to the bill as ordered reported by the Committee on Education and the Workforce. Copies of the bill may be obtained from that committee.

Members should use the Office of Legislative Counsel to ensure that their amendments to both bills are properly drafted and should check with the Office of the Parliamentarian to be certain that their amendments comply with the rules of the House.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, during the debate surrounding H.R. 2436, the ''unborn victims of violence act,'' I was present on the House floor. When the yeas and nays were recorded for roll call votes 463 and 464, the electronic voting device correctly recorded my vote as ''no'' and ''aye'' respectively.

However, on roll call vote 465, the voting device failed to properly record my vote due to what was later determined to be a malfunctioning voting card. Indeed, Mr. Speaker, I was present and did note ''no'' on roll call 465. However, due to a defective voting card, my vote was not recorded.

Mr. Speaker, I could not be present for roll call votes 466 through 469. Had I been present for roll call vote 466, I would have voted ''aye.'' For roll call vote 467, I would have voted ''aye.'' For roll call vote 468, I would have voted ''no.'' And on roll call vote 469, I would have voted ''aye.''

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2000

Mr. ISTOOK. Mr. Speaker, pursuant to House Resolution 330, I call up the bill (H.R. 3064) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 3064 is as follows:

H.R. 3064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia for the fiscal year ending September 30, 2000, and for other purposes, namely:

TITLE I—FISCAL YEAR 2000 APPROPRIATIONS

FEDERAL FUNDS

FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

For a Federal payment to the District of Columbia for a program to be administered by the Mayor for District of Columbia resident tuition support, subject to the enactment of authorizing legislation for such program by Congress, $17,000,000, to remain available until expended: *Provided,* That such funds may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, usable at both public and private institutions of higher education: *Provided further,* That the awarding of such funds may be prioritized on the basis of a resident's academic merit and such other factors as may be authorized: *Provided further,* That if the authorized program is a nationwide program, the Mayor may expend up to $17,000,000: *Provided further,* That if the authorized program is for a limited number of states, the Mayor may expend up to $11,000,000: *Provided further,* That the District of Columbia may expend funds other than the funds provided under this heading, including local tax revenues and contributions, to support such program.

FEDERAL PAYMENT FOR INCENTIVES FOR ADOPTION OF CHILDREN

For a Federal payment to the District of Columbia to create incentives to promote the adoption of children in the District of Columbia foster care system, $5,000,000: *Provided,* That such funds shall remain available until September 30, 2001 and shall be used in accordance with a program established by the Mayor and the Council of the District of Columbia and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That funds provided under this heading may be used to cover the costs to the District of Columbia of providing tax credits to offset the costs incurred by individuals in adopting children in the District of Columbia foster care system and in providing for the health care needs of such children, in accordance with legislation enacted by the District of Columbia government.

FEDERAL PAYMENT TO THE CITIZEN COMPLAINT REVIEW BOARD

For a Federal payment to the District of Columbia for administrative expenses of the Citizen Complaint Review Board, $500,000, to remain available until September 30, 2001.

FEDERAL PAYMENT TO THE DEPARTMENT OF HUMAN SERVICES

For a Federal payment to the Department of Human Services for a mentoring program and for hotline services, $250,000.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA CORRECTIONS TRUSTEE OPERATIONS

For salaries and expenses of the District of Columbia Corrections Trustee, $176,000,000 for the administration and operation of correctional facilities and for the administrative operating costs of the Office of the Corrections Trustee, as authorized by section 11202 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (Public Law 105–33; 111 Stat. 712): *Provided,* That notwithstanding any other provision of law, funds appropriated in this Act for the District of Columbia Corrections

Trustee shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That in addition to the funds provided under this heading, the District of Columbia Corrections Trustee may use a portion of the interest earned on the Federal payment made to the Trustee under the District of Columbia Appropriations Act, 1998, (not to exceed $4,600,000) to carry out the activities funded under this heading.

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

For salaries and expenses for the District of Columbia Courts, $99,714,000 to be allocated as follows: for the District of Columbia Court of Appeals, $7,209,000; for the District of Columbia Superior Court, $68,351,000; for the District of Columbia Court System, $16,154,000; and $8,000,000, to remain available until September 30, 2001, for capital improvements for District of Columbia courthouse facilities: *Provided,* That of the amounts available for operations of the District of Columbia Courts, not to exceed $2,500,000 shall be for the design of an Integrated Justice Information System and that such funds shall be used in accordance with a plan and design developed by the courts and approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

For payments authorized under section 11–2604 and section 11–2605, D.C. Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Division of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Code, and payments for counsel authorized under section 21–2060, D.C. Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), $33,336,000, to remain available until expended: *Provided,* That the funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading *Provided further,* That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia may use a portion (not to exceed $1,200,000) of the interest earned on the Federal payment made to the District of Columbia courts under the District of Columbia Appropriations Act, 1999, together with funds provided in this Act under the heading ''Federal Payment to the District of Columbia Courts'' (other than the $8,000,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during fiscal year 1999 if the Comptroller General certifies that the amount of obligations lawfully incurred for such payments during fiscal year 1999 exceeds the obligational authority otherwise available for making such payments: *Provided further,* That such funds shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: *Provided further,* That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration [GSA], said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives.

FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

For salaries and expenses of the Court Services and Offender Supervision Agency for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, (Public Law 105–33; 111 Stat. 712), $93,800,000, of which $58,600,000 shall be for necessary expenses of Parole Revocation, Adult Probation, Offender Supervision, and Sex Offender Registration, to include expenses relating to supervision of adults subject to protection orders or provision of services for or related to such persons; $17,400,000 shall be available to the Public Defender Service; and $17,800,000 shall be available to the Pretrial Services Agency: *Provided,* That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: *Provided further,* That of the amounts made available under this heading, $20,492,000 shall be used in support of universal drug screening and testing for those individuals on pretrial, probation, or parole supervision with continued testing, intermediate sanctions, and treatment for those identified in need, of which $7,000,000 shall be for treatment services.

CHILDREN'S NATIONAL MEDICAL CENTER

For a Federal contribution to the Children's National Medical Center in the District of Columbia, $2,500,000 for construction, renovation, and information technology infrastructure costs associated with establishing community pediatric health clinics for high risk children in medically underserved areas of the District of Columbia.

FEDERAL PAYMENT FOR METROPOLITAN POLICE DEPARTMENT

For payment to the Metropolitan Police Department, $1,000,000, for a program to eliminate open air drug trafficking in the District of Columbia: *Provided,* That the Chief of Police shall provide quarterly reports to the Committees on Appropriations of the Senate and House of Representatives by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the project financed under this heading.

DISTRICT OF COLUMBIA FUNDS

OPERATING EXPENSES

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $162,356,000 (including $137,134,000 from local funds, $11,670,000 from Federal funds, and $13,552,000 from other funds): *Provided,* That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for official purposes: *Provided further,* That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: *Provided further,* That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: *Provided further,* That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: *Provided further,* That all employees permanently assigned to work in the Office of the Mayor shall be paid from funds allocated to the Office of the Mayor.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $190,335,000 (including $52,911,000 from local funds, $84,751,000 from Federal funds, and $52,673,000 from other funds), of which $15,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11–134; D.C. Code, sec. 1–2271 et seq.), and the Business Improvement Districts Temporary Amendment Act of 1997 (D.C. Law 12–23): *Provided,* That such funds are available for acquiring services provided by the General Services Administration: *Provided further,* That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase or lease of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $778,770,000 (including $565,511,000 from local funds, $29,012,000 from Federal funds, and $184,247,000 from other funds): *Provided,* That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Department of Fire and Emergency Medical Services of the District of Columbia is authorized to replace not to exceed five passenger-carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: *Provided further,* That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: *Provided further,* That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: *Provided further,* That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: *Provided*

further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: *Provided further,* That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: *Provided further,* That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved: *Provided further,* That the Metropolitan Police Department is authorized to maintain 3,800 sworn officers, with leave for a 50 officer attrition: *Provided further,* That no more than 15 members of the Metropolitan Police Department shall be detailed or assigned to the Executive Protection Unit, until the Chief of Police submits a recommendation to the Council for its review: *Provided further,* That $100,000 shall be available for inmates released on medical and geriatric parole: *Provided further,* That commencing on December 31, 1999, the Metropolitan Police Department shall provide to the Committees on Appropriations of the Senate and House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, quarterly reports on the status of crime reduction in each of the 83 police service areas established throughout the District of Columbia: *Provided further,* That up to $700,000 in local funds shall be available for the operations of the Citizen Complaint Review Board.

PUBLIC EDUCATION SYSTEM

Public education system, including the development of national defense education programs, $867,411,000 (including $721,847,000 from local funds, $120,951,000 from Federal funds, and $24,613,000 from other funds), to be allocated as follows: $713,197,000 (including $600,936,000 from local funds, $106,213,000 from Federal funds, and $6,048,000 from other funds), for the public schools of the District of Columbia; $10,700,000 from local funds for the District of Columbia Teachers' Retirement Fund; $17,000,000 from local funds, previously appropriated in this Act as a Federal payment, for resident tuition support at public and private institutions of higher learning for eligible District of Columbia residents; $27,885,000 from local funds for public charter schools: *Provided,* That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall be available for new public charter schools on a per pupil basis: *Provided further,* That $480,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: $72,347,000 (including $40,491,000 from local funds, $13,536,000 from Federal funds, and $18,320,000 from other funds) for the University of the District of Columbia; $24,171,000 (including $23,128,000 from local funds, $798,000 from Federal funds, and $245,000 from other funds) for the Public Library; $2,111,000 (including $1,707,000 from local funds and $404,000 from Federal funds) for the Commission on the Arts and Humanities: *Provided further,* That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: *Provided further,* That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for official purposes: *Provided further,* That none of the funds contained in this Act may be made available to pay the salaries of any District of Columbia Public School teacher, principal, administrator, official, or employee who knowingly provides false enrollment or attendance information under article II, section 5 of the Act entitled ''An Act to provide for compulsory school attendance, for the taking of a school census in the District of Columbia, and for other purposes'', approved February 4, 1925 (D.C. Code, sec. 31–401 et seq.): *Provided further,* That this appropriation shall not be available to subsidize the education of any nonresident of the District of Columbia at any District of Columbia public elementary and secondary school during fiscal year 2000 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia which are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): *Provided further,* That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2000, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: *Provided further,* That the District of Columbia Public Schools shall not spend less than $365,500,000 on local schools through the Weighted Student Formula in fiscal year 2000: *Provided further,* That notwithstanding any other provision of law, the Chief Financial Officer of the District of Columbia shall apportion from the budget of the District of Columbia Public Schools a sum totaling 5 percent of the total budget to be set aside until the current student count for Public and Charter schools has been completed, and that this amount shall be apportioned between the Public and Charter schools based on their respective student population count: *Provided further,* That the District of Columbia Public Schools may spend $500,000 to engage in a Schools Without Violence program based on a model developed by the University of North Carolina, located in Greensboro, North Carolina.

HUMAN SUPPORT SERVICES

Human support services, $1,526,361,000 (including $635,373,000 from local funds, $875,814,000 from Federal funds, and $15,174,000 from other funds): *Provided,* That $25,150,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: *Provided further,* That a peer review committee shall be established to review medical payments and the type of service received by a disability compensation claimant: *Provided further,* That the District of Columbia shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization, as defined in section 411(5) of the Stewart B. McKinney Homeless Assistance Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11371), providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to such Act (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, $271,395,000 (including $258,341,000 from local funds, $3,099,000 from Federal funds, and $9,955,000 from other funds): *Provided,* That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

RECEIVERSHIP PROGRAMS

For all agencies of the District of Columbia government under court ordered receivership, $342,077,000 (including $217,606,000 from local funds, $106,111,000 from Federal funds, and $18,360,000 from other funds).

WORKFORCE INVESTMENTS

For workforce investments, $8,500,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable.

RESERVE

For a reserve to be established by the Chief Financial Officer of the District of Columbia and the District of Columbia Financial Responsibility and Management Assistance Authority, $150,000,000.

DISTRICT OF COLUMBIA FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (109 Stat. 97; Public Law 104–8), $3,140,000: *Provided,* That none of the funds contained in this Act may be used to pay any compensation of the Executive Director or General Counsel of the Authority at a rate in excess of the maximum rate of compensation which may be paid to such individual during fiscal year 2000 under section 102 of such Act, as determined by the Comptroller General (as described in GAO letter report B–279095.2).

REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act, approved December 24, 1973, as amended, and that funds shall be allocated for expenses associated with the Wilson Building, $328,417,000 from local funds: *Provided,* That for equipment leases, the Mayor may finance $27,527,000 of equipment cost, plus cost of issuance not to exceed 2 percent of the par amount being financed on a lease purchase basis with a maturity not to exceed 5 years: *Provided further,* That $5,300,000 is allocated to the Metropolitan Police Department, $3,200,000 for the Fire and Emergency Medical Services Department, $350,000 for the Department of Corrections, $15,949,000 for the Department of Public Works and $2,728,000 for the Public Benefit Corporation.

REPAYMENT OF GENERAL FUND RECOVERY DEBT

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,286,000 from

local funds, as authorized by section 461(a) of the District of Columbia Home Rule Act (105 Stat. 540; D.C. Code, sec. 47–321(a)(1)).

PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, $9,000,000 from local funds.

CERTIFICATES OF PARTICIPATION

For lease payments in accordance with the Certificates of Participation involving the land site underlying the building located at One Judiciary Square, $7,950,000 from local funds.

OPTICAL AND DENTAL INSURANCE PAYMENTS

For optical and dental insurance payments, $1,295,000 from local funds.

PRODUCTIVITY BANK

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall finance projects totaling $20,000,000 in local funds that result in cost savings or additional revenues, by an amount equal to such financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the projects financed under this heading.

PRODUCTIVITY BANK SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions totaling $20,000,000 in local funds. The reductions are to be allocated to projects funded through the Productivity Bank that produce cost savings or additional revenues in an amount equal to the Productivity Bank financing: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the cost savings or additional revenues funded under this heading.

PROCUREMENT AND MANAGEMENT SAVINGS

The Chief Financial Officer of the District of Columbia, under the direction of the Mayor and the District of Columbia Financial Responsibility and Management Assistance Authority, shall make reductions of $14,457,000 for general supply schedule savings and $7,000,000 for management reform savings, in local funds to one or more of the appropriation headings in this Act: *Provided*, That the Mayor shall provide quarterly reports to the Committees on Appropriations of the House of Representatives and the Senate by the 15th calendar day after the end of each quarter beginning December 31, 1999, on the status of the general supply schedule savings and management reform savings projected under this heading.

ENTERPRISE AND OTHER FUNDS

WATER AND SEWER AUTHORITY AND THE WASHINGTON AQUEDUCT

For operation of the Water and Sewer Authority and the Washington Aqueduct, $279,608,000 from other funds (including $236,075,000 for the Water and Sewer Authority and $43,533,000 for the Washington Aqueduct) of which $35,222,000 shall be apportioned and payable to the District's debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $197,169,000, as authorized by An Act authorizing the laying of watermains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): *Provided*, That the requirements and restrictions that are applicable to general fund capital improvements projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982 (95 Stat. 1174 and 1175; Public Law 97–91), for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3–172; D.C. Code, sec. 2–2501 et seq. and sec. 22–1516 et seq.), $234,400,000: *Provided*, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: *Provided further*, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, $10,846,000 from other funds for expenses incurred by the Armory Board in the exercise of its powers granted by the Act entitled ''An Act To Establish A District of Columbia Armory Board, and for other purposes'' (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): *Provided*, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Home Rule Act (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

DISTRICT OF COLUMBIA HEALTH AND HOSPITALS PUBLIC BENEFIT CORPORATION

For the District of Columbia Health and Hospitals Public Benefit Corporation, established by D.C. Law 11–212, D.C. Code, sec. 32–262.2, $133,443,000 of which $44,435,000 shall be derived by transfer from the general fund and $89,008,000 from other funds.

DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 866; D.C. Code, sec. 1–711), $9,892,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: *Provided*, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: *Provided further*, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report: *Provided further*, That section 121(c)(1) of the District of Columbia Retirement Reform Act (D.C. Code, sec. 1–711(c)(1)) is amended by striking ''the total amount to which a member may be entitled'' and all that follows and inserting the following: ''the total amount to which a member may be entitled under this subsection during a year (beginning with 1998) may not exceed $5,000, except that in the case of the Chairman of the Board and the Chairman of the Investment Committee of the Board, such amount may not exceed $7,500 (beginning with 2000).''.

CORRECTIONAL INDUSTRIES FUND

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act (78 Stat. 1000; Public Law 88–622), $1,810,000 from other funds.

WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, $50,226,000 from other funds.

CAPITAL OUTLAY

(INCLUDING RESCISSIONS)

For construction projects, $1,260,524,000 of which $929,450,000 is from local funds, $54,050,000 is from the highway trust fund, and $277,024,000 is from Federal funds, and a rescission of $41,886,500 from local funds appropriated under this heading in prior fiscal years, for a net amount of $1,218,637,500 to remain available until expended: *Provided*, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: *Provided further*, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: *Provided further*, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 2001, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 2001: *Provided further*, That upon expiration of any such project authorization, the funds provided herein for the project shall lapse.

GENERAL PROVISIONS

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official, and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: *Provided*, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the

Mayor: *Provided*, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the chair of the Council.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: *Provided*, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the payment of the non-Federal share of funds necessary to qualify for grants under subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994.

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the Subcommittee on the District of Columbia of the House Committee on Government Reform, the Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative.

SEC. 111. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 112. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 113. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: *Provided*, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 114. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 115. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 116. None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2000, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for an agency through a reprogramming of funds which: (1) creates new programs; (2) eliminates a program, project, or responsibility center; (3) establishes or changes allocations specifically denied, limited or increased by Congress in the Act; (4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted; (5) reestablishes through reprogramming any program or project previously deferred through reprogramming; (6) augments existing programs, projects, or responsibility centers through a reprogramming of funds in excess of $1,000,000 or 10 percent, whichever is less; or (7) increases by 20 percent or more personnel assigned to a specific program, project, or responsibility center; unless the Appropriations Committees of both the Senate and House of Representatives are notified in writing 30 days in advance of any reprogramming as set forth in this section.

SEC. 117. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia government.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: *Provided*, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 119. (a) CITY ADMINISTRATOR.—The last sentence of section 422(7) of the District of Columbia Home Rule Act (D.C. Code, sec. 1–242(7)) is amended by striking ‘‘, not to exceed’’ and all that follows and inserting a period.

(b) BOARD OF DIRECTORS OF REDEVELOPMENT LAND AGENCY.—Section 1108(c)(2)(F) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–612.8(c)(2)(F)) is amended to read as follows:

‘‘(F) Redevelopment Land Agency board members shall be paid per diem compensation at a rate established by the Mayor, except that such rate may not exceed the daily equivalent of the annual rate of basic pay for level 15 of the District Schedule for each day (including travel time) during which they are engaged in the actual performance of their duties.’’.

SEC. 120. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: *Provided*, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 121. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 2000, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 2000 revenue estimates as of the end of the first quarter of fiscal year 2000. These estimates shall be used in the budget request for the fiscal year ending September 30, 2001. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 122. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical: *Provided*, That the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and said determination has been reviewed and approved by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 123. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037; Public Law 99–177), the term ‘‘program, project, and activity’’ shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: *Provided*, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 124. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 (99 Stat. 1037: Public Law 99–177), after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: *Provided*, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by such Act.

SEC. 125. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 2000 if—

(1) the Mayor approves the acceptance and use of the gift or donation: *Provided*, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term ‘‘entity of the District of Columbia government’’ includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 126. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

SEC. 127. (a) The University of the District of Columbia shall submit to the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget broken out on the basis of control center, responsibility center, and object class, and for all funds, non-appropriated funds, and capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last quarter in compliance with applicable law; and

(5) changes made in the last quarter to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

(b) The Mayor, the Authority, and the Council shall provide the Congress by February 1, 2000, a summary, analysis, and recommendations on the information provided in the quarterly reports.

SEC. 128. Funds authorized or previously appropriated to the government of the District of Columbia by this or any other Act to procure the necessary hardware and installation of new software, conversion, testing, and training to improve or replace its financial management system are also available for the acquisition of accounting and financial management services and the leasing of necessary hardware, software or any other related goods or services, as determined by the District of Columbia Financial Responsibility and Management Assistance Authority.

SEC. 129. None of the funds contained in this Act may be made available to pay the fees of an attorney who represents a party who prevails in an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) if—

(1) the hourly rate of compensation of the attorney exceeds 120% of the hourly rate of compensation under section 11–2604(a), District of Columbia Code; or

(2) the maximum amount of compensation of the attorney exceeds 120% of the maximum amount of compensation under section 11–2604(b)(1), District of Columbia Code, except that compensation and reimbursement in excess of such maximum may be approved for extended or complex representation in accordance with section 11–2604(c), District of Columbia Code.

SEC. 130. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 131. None of the funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9–114; D.C. Code, sec. 36–1401 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples (whether homosexual, heterosexual, or lesbian), including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 132. The Superintendent of the District of Columbia Public Schools shall submit to the Congress, the Mayor, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Council of the District of Columbia no later than 15 calendar days after the end of each quarter a report that sets forth—

(1) current quarter expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections versus budget, broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including capital financing;

(2) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(3) a list of all active contracts in excess of $10,000 annually, which contains the name of each contractor; the budget to which the contract is charged, broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the District of Columbia Public Schools; payments made in the last quarter and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(4) all reprogramming requests and reports that are required to be, and have been, submitted to the Board of Education; and

(5) changes made in the last quarter to the organizational structure of the District of Columbia Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

SEC. 133. (a) IN GENERAL.—The Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia public schools and the University of the District of Columbia for fiscal year 1999, fiscal year 2000, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia public schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) SUBMISSION.—The annual report required by subsection (a) of this section shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than February 15 of each year.

SEC. 134. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, and each succeeding year, the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the District of Columbia Financial Responsibility and Management Assistance Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Superintendent of the District of Columbia Public Schools and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 135. The District of Columbia Financial Responsibility and Management Assistance Authority, acting on behalf of the District of Columbia Public Schools [DCPS] in formulating the DCPS budget, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the University of the District of Columbia School of Law shall vote on and approve the respective annual or revised budgets for such entities before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

SEC. 136. (a) CEILING ON TOTAL OPERATING EXPENSES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2000 under the caption ''Division of Expenses'' shall not exceed the lesser of—

(A) the sum of the total revenues of the District of Columbia for such fiscal year; or

(B) $5,515,379,000 (of which $152,753,000 shall be from intra-District funds and $3,113,854,000 shall be from local funds), which amount may be increased by the following:

(i) proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs approved by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(ii) after notification to the Council, additional expenditures which the Chief Financial Officer of the District of Columbia certifies will produce additional revenues during such fiscal year at least equal to 200 percent of such additional expenditures, and that are approved by the Authority.

(2) ENFORCEMENT.—The Chief Financial Officer of the District of Columbia and the Authority shall take such steps as are necessary to assure that the District of Columbia meets the requirements of this section, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2000, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor, in consultation with the Chief Financial Officer, during a control year, as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8; 109 Stat. 152), may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Authority a report setting forth detailed information regarding such grant; and

(B) the Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) of this subsection or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) QUARTERLY REPORTS.—The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the quarter covered by the report.

(c) REPORT ON EXPENDITURES BY FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY.—Not later than 20 calendar days after the end of each fiscal quarter starting October 1, 1999, the Authority shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate, the Committee on Government Reform of the House, and the Committee on Governmental Affairs of the Senate providing an itemized accounting of all non-appropriated funds obligated or expended by the Authority for the quarter. The report shall include information on the date, amount, purpose, and vendor name, and a description of the services or goods provided with respect to the expenditures of such funds.

SEC. 137. If a department or agency of the government of the District of Columbia is under the administration of a court-appointed receiver or other court-appointed official during fiscal year 2000 or any succeeding fiscal year, the receiver or official shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia for the year, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the department or agency. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c) of the District of Columbia Home Rule Act, without revision but subject to the Mayor's recommendations. Notwithstanding any provision of the District of Columbia Home Rule Act (87 Stat. 774; Public Law 93–198) the Council may comment or make recommendations concerning such annual estimates but shall have no authority under such Act to revise such estimates.

SEC. 138. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia public schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 139. (a) RESTRICTIONS ON USE OF OFFICIAL VEHICLES.—Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term ''official duties'' does not include travel between the officer's or employee's residence and workplace (except: (1) in the case of an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department; (2) at the discretion of the Fire Chief, an officer or employee of the District of Columbia Fire and Emergency Medical Services Department who resides in the District of Columbia and is on call 24 hours a day; (3) the Mayor of the District of Columbia; and (4) the Chairman of the Council of the District of Columbia).

(b) INVENTORY OF VEHICLES.—The Chief Financial Officer of the District of Columbia shall submit, by November 15, 1999, an inventory, as of September 30, 1999, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and resident location.

SEC. 140. (a) SOURCE OF PAYMENT FOR EMPLOYEES DETAILED WITHIN GOVERNMENT.—For purposes of determining the amount of funds expended by any entity within the District of Columbia government during fiscal year 2000 and each succeeding fiscal year, any expenditures of the District government attributable to any officer or employee of the District government who provides services which are within the authority and jurisdiction of the entity (including any portion of the compensation paid to the officer or employee attributable to the time spent in providing such services) shall be treated as expenditures made from the entity's budget, without regard to whether the officer or employee is assigned to the entity or otherwise treated as an officer or employee of the entity.

(b) MODIFICATION OF REDUCTION IN FORCE PROCEDURES.—The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Code, sec. 1–601.1 et seq.), is further amended in section 2408(a) by deleting ''1999'' and inserting, ''2000''; in subsection (b), by deleting ''1999'' and inserting ''2000''; in subsection (i), by deleting ''1999'' and inserting, ''2000''; and in subsection (k), by deleting ''1999'' and inserting, ''2000''.

SEC. 141. Notwithstanding any other provision of law, not later than 120 days after the date that a District of Columbia Public Schools [DCPS] student is referred for evaluation or assessment—

(1) the District of Columbia Board of Education, or its successor, and DCPS shall assess or evaluate a student who may have a disability and who may require special education services; and

(2) if a student is classified as having a disability, as defined in section 101(a)(1) of the Individuals with Disabilities Education Act (84 Stat. 175; 20 U.S.C. 1401(a)(1)) or in section 7(8) of the Rehabilitation Act of 1973 (87 Stat. 359; 29 U.S.C. 706(8)), the Board and DCPS shall place that student in an appropriate program of special education services.

SEC. 142. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each agency of the Federal or District of Columbia government shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a ''Made in America'' inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 143. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority) for fiscal year 2000 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Code, sec. 1–1182.8(a)(4)); and

(2) the audit includes a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year.

SEC. 144. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the District of Columbia Financial Responsibility and Management Assistance Authority. Appropriations made by this Act for such programs or functions are conditioned only on the approval by the Authority of the required reorganization plans.

SEC. 145. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes.

SEC. 146. None of the funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

SEC. 147. None of the funds contained in this Act may be used to transfer or confine inmates classified above the medium security level, as defined by the Federal Bureau of Prisons classification instrument, to the Northeast Ohio Correctional Center located in Youngstown, Ohio.

SEC. 148. (a) Section 202(i) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8), as added by Section 155 of the District of Columbia Appropriations Act, 1999, is amended to read as follows:

''(j) RESERVE.—

''(1) IN GENERAL.—Beginning with fiscal year 2000, the plan or budget submitted pursuant to this Act shall contain $150,000,000 for a reserve to be established by the Mayor, Council of the District of Columbia, Chief Financial Officer for the District of Columbia, and the District of Columbia Financial Responsibility and Management Assistance Authority.

''(2) CONDITIONS ON USE.—The reserve funds—

''(A) shall only be expended according to criteria established by the Chief Financial Officer and approved by the Mayor, Council of the District of Columbia, and District of Columbia Financial Responsibility and Management Assistance Authority, but, in no case may any of the reserve funds be expended until any other surplus funds have been used;

''(B) shall not be used to fund the agencies of the District of Columbia government under court ordered receivership; and

''(C) shall not be used to fund shortfalls in the projected reductions budgeted in the budget proposed by the District of Columbia government for general supply schedule savings and management reform savings.

''(3) REPORT REQUIREMENT.—The Authority shall notify the Appropriations Committees of both the Senate and House of Representatives in writing 30 days in advance of any expenditure of the reserve funds.''.

(b) Section 202 of such act (Public Law 104–8), as amended by subsection (a), is amended by adding at the end the following:

''(k) POSITIVE FUND BALANCE.—

''(1) IN GENERAL.—The District of Columbia shall maintain at the end of a fiscal year an annual positive fund balance in the general fund of not less than 4 percent of the projected general fund expenditures for the following fiscal year.

''(2) EXCESS FUNDS.—Of funds remaining in excess of the amounts required by paragraph (1)—

''(A) not more than 50 percent may be used for authorized non-recurring expenses; and

''(B) not less than 50 percent shall be used to reduce the debt of the District of Columbia.''.

SEC. 149. (a) No later than November 1, 1999, or within 30 calendar days after the date of the enactment of this Act, whichever occurs later, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority a revised appropriated funds operating budget for all agencies of the District of Columbia government for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (Public Law 93–198; D.C. Code, sec. 47–301).

SEC. 150. None of the funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug, or for any payment to any individual or entity who carries out any such program.

SEC. 151. (a) RESTRICTIONS.—None of the funds contained in this Act may be used to make rental payments under a lease for the use of real property by the District of Columbia government (including any independent agency of the District) unless—

(1) the lease and an abstract of the lease have been filed with the central office of the Deputy Mayor for Economic Development; and

(2)(A) the District of Columbia government occupies the property during the period of time covered by the rental payment; or

(B) within 60 days of the enactment of this Act the Mayor certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement; or

(C) within 60 days of the enactment of this Act the Council certifies to Congress and the landlord that occupancy is impracticable and submits with the certification a plan to terminate or renegotiate the lease or rental agreement.

(b) UNOCCUPIED PROPERTY.—After 120 days from the date of the enactment of this Act, none of the funds contained in this Act may be used to make rental payments for property described in subsections (a)(2)(B) or (a)(2)(C) of this section.

(c) SEMI-ANNUAL REPORTS BY MAYOR.—Not later than 20 days after the end of each 6-month period that begins on October 1, 1999, the Mayor of the District of Columbia shall submit a report to the Committees on Appropriations of the House of Representatives and the Senate listing the leases for the use of real property by the District of Columbia government that were in effect during the 6-month period, and including for each such lease the location of the property, the name of any person with any ownership interest in the property, the rate of payment, the period of time covered by the lease, and the conditions under which the lease may be terminated.

SEC. 152. None of the funds contained in this Act or the District of Columbia Appropriations Act, 1999, may be used to enter into a lease on or after the date of the enactment of this Act (or to make rental payments under such a lease) for the use of real property by the District of Columbia government (including any independent agency of the District) or to purchase real property for the use of the District of Columbia government (including any independent agency of the District) or to manage real property for the use of the District of Columbia (including any independent agency of the District) unless—

(1) the Mayor and Council certify to the Committees on Appropriations of the House of Representatives and the Senate that existing real property available to the District (whether leased or owned by the District government) is not suitable for the purposes intended;

(2) notwithstanding any other provisions of law, there is made available for sale or lease all property of the District of Columbia which the Mayor and Council from time to time determine is surplus to the needs of the District of Columbia;

(3) the Mayor and Council implement a program for the periodic survey of all District property to determine if it is surplus to the needs of the District; and

(4) the Mayor and Council within 60 days of the date of the enactment of this Act has filed a report with the appropriations and authorizing committees of the House and Senate providing a comprehensive plan for the management of District of Columbia real property assets and is proceeding with the implementation of the plan.

SEC. 153. Section 603(e)(2)(B) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104–208; 110 Stat. 3009–293) is amended—

(1) by inserting ''and public charter'' after ''public''; and

(2) by adding at the end the following: ''Of such amounts and proceeds, $5,000,000 shall be set aside for use as a credit enhancement fund for public charter schools in the District of Columbia, with the administration of the fund (including the making of loans) to be carried out by the Mayor through a committee consisting of 3 individuals appointed by the Mayor of the District of Columbia and 2 individuals appointed by the Public Charter School Board established under section 2214 of the District of Columbia School Reform Act of 1995.''.

SEC. 154. The Mayor, District of Columbia Financial Responsibility and Management Assistance Authority, and the Superintendent of Schools shall implement a process to dispose of excess public school real property within 90 days of the enactment of this Act.

SEC. 155. Section 2003 of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2851) is amended by striking ''during the period'' and ''and ending 5 years after such date.''.

SEC. 156. Section 2206(c) of the District of Columbia School Reform Act of 1995 (Public Law 104–134; D.C. Code, sec. 31–2853.16(c)) is amended by adding at the end the following: '', except that a preference in admission may be given to an applicant who is a sibling of a student already attending or selected for admission to the public charter school in which the applicant is seeking enrollment.''

SEC. 157. (a) TRANSFER OF FUNDS.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority'') to the District of Columbia the sum of $18,000,000 for severance payments to individuals separated from employment during fiscal year 2000 (under such terms and conditions as the Mayor considers appropriate), expanded contracting authority of the Mayor, and the implementation of a system of managed competition among public and private providers of goods and services by and on behalf of the District of Columbia: *Provided*, That such funds shall be used only in accordance with a plan agreed to by the Council and the Mayor and

approved by the Committees on Appropriations of the House of Representatives and the Senate: *Provided further,* That the Authority and the Mayor shall coordinate the spending of funds for this program so that continuous progress is made. The Authority shall release said funds, on a quarterly basis, to reimburse such expenses, so long as the Authority certifies that the expenses reduce re-occurring future costs at an annual ratio of at least 2 to 1 relative to the funds provided, and that the program is in accordance with the best practices of municipal government.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

SEC. 158. (a) IN GENERAL.—The District of Columbia Financial Responsibility and Management Assistance Authority (hereafter referred to as the ''Authority''), working with the Commonwealth of Virginia and the Director of the National Park Service, shall carry out a project to complete all design requirements and all requirements for compliance with the National Environmental Policy Act for the construction of expanded lane capacity for the Fourteenth Street Bridge.

(b) SOURCE OF FUNDS; TRANSFER.—For purposes of carrying out the project under subsection (a), there is hereby transferred to the Authority from the District of Columbia dedicated highway fund established pursuant to section 3(a) of the District of Columbia Emergency Highway Relief Act (Public Law 104–21; D.C. Code, sec. 7–134.2(a)) an amount not to exceed $5,000,000.

SEC. 159. (a) IN GENERAL.—The Mayor of the District of Columbia shall carry out through the Army Corps of Engineers, an Anacostia River environmental cleanup program.

(b) SOURCE OF FUNDS.—There are hereby transferred to the Mayor from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia, $5,000,000.

SEC. 160. (a) PROHIBITING PAYMENT OF ADMINISTRATIVE COSTS FROM FUND.—Section 16(e) of the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–435(e)) is amended—

(1) by striking ''and administrative costs necessary to carry out this chapter''; and

(2) by striking the period at the end and inserting the following: '', and no monies in the Fund may be used for any other purpose.''.

(b) MAINTENANCE OF FUND IN TREASURY OF THE UNITED STATES.—

(1) IN GENERAL.—Section 16(a) of such Act (D.C. Code, sec. 3–435(a)) is amended by striking the second sentence and inserting the following: ''The Fund shall be maintained as a separate fund in the Treasury of the United States. All amounts deposited to the credit of the Fund are appropriated without fiscal year limitation to make payments as authorized under subsection (e).''.

(2) CONFORMING AMENDMENT.—Section 16 of such Act (D.C. Code, sec. 3–435) is amended by striking subsection (d).

(c) DEPOSIT OF OTHER FEES AND RECEIPTS INTO FUND.—Section 16(c) of such Act (D.C. Code, sec. 3–435(c)) is amended by inserting after ''1997,'' the second place it appears the following: ''any other fines, fees, penalties, or assessments that the Court determines necessary to carry out the purposes of the Fund,''.

(d) ANNUAL TRANSFER OF UNOBLIGATED BALANCES TO MISCELLANEOUS RECEIPTS OF TREASURY.—Section 16 of such Act (D.C. Code, sec. 3–435), as amended by subsection (b)(2), is amended by inserting after subsection (c) the following new subsection:

''(d) Any unobligated balance existing in the Fund in excess of $250,000 as of the end of each fiscal year (beginning with fiscal year 2000) shall be transferred to miscellaneous receipts of the Treasury of the United States not later than 30 days after the end of the fiscal year.''.

(e) RATIFICATION OF PAYMENTS AND DEPOSITS.—Any payments made from or deposits made to the Crime Victims Compensation Fund on or after April 9, 1997 are hereby ratified, to the extent such payments and deposits are authorized under the Victims of Violent Crime Compensation Act of 1996 (D.C. Code, sec. 3–421 et seq.), as amended by this section.

SEC. 161. CERTIFICATION.—None of the funds contained in this Act may be used after the expiration of the 60–day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and their agency as a result of this Act.

SEC. 162. The proposed budget of the government of the District of Columbia for fiscal year 2001 that is submitted by the District to Congress shall specify potential adjustments that might become necessary in the event that the management savings achieved by the District during the year do not meet the level of management savings projected by the District under the proposed budget.

SEC. 163. In submitting any document showing the budget for an office of the District of Columbia government (including an independent agency of the District) that contains a category of activities labeled as ''other'', ''miscellaneous'', or a similar general, nondescriptive term, the document shall include a description of the types of activities covered in the category and a detailed breakdown of the amount allocated for each such activity.

SEC. 164. (a) AUTHORIZING CORPS OF ENGINEERS TO PERFORM REPAIRS AND IMPROVEMENTS.—In using the funds made available under this Act for carrying out improvements to the Southwest Waterfront in the District of Columbia (including upgrading marina dock pilings and paving and restoring walkways in the marina and fish market areas) for the portions of Federal property in the Southwest quadrant of the District of Columbia within Lots 847 and 848, a portion of Lot 846, and the unassessed Federal real property adjacent to Lot 848 in Square 473, any entity of the District of Columbia government (including the District of Columbia Financial Responsibility and Management Assistance Authority or its designee) may place orders for engineering and construction and related services with the Chief of Engineers of the United States Army Corps of Engineers. The Chief of Engineers may accept such orders on a reimbursable basis and may provide any part of such services by contract. In providing such services, the Chief of Engineers shall follow the Federal Acquisition Regulations and the implementing Department of Defense regulations.

(b) TIMING FOR AVAILABILITY OF FUNDS UNDER 1999 ACT.—

(1) IN GENERAL.—The District of Columbia Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–124) is amended in the item relating to ''FEDERAL FUNDS—FEDERAL PAYMENT FOR WATERFRONT IMPROVEMENTS''—

(A) by striking ''existing lessees'' the first place it appears and inserting ''existing lessees of the Marina''; and

(B) by striking ''the existing lessees'' the second place it appears and inserting ''such lessees''.

(2) EFFECTIVE DATE.—This subsection shall take effect as if included in the District of Columbia Appropriations Act, 1999.

(c) ADDITIONAL FUNDING FOR IMPROVEMENTS CARRIED OUT THROUGH CORPS OF ENGINEERS.—

(1) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority to the Mayor the sum of $3,000,000 for carrying out the improvements described in subsection (a) through the Chief of Engineers of the United States Army Corps of Engineers.

(2) SOURCE OF FUNDS.—The funds transferred under paragraph (1) shall be derived from the escrow account held by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 134 of division A of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–552), for infrastructure needs of the District of Columbia.

(d) QUARTERLY REPORTS ON PROJECT.—The Mayor shall submit reports to the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate on the status of the improvements described in subsection (a) for each calendar quarter occurring until the improvements are completed.

SEC. 165. It is the sense of the Congress that the District of Columbia should not impose or take into consideration any height, square footage, set-back, or other construction or zoning requirements in authorizing the issuance of industrial revenue bonds for a project of the American National Red Cross at 2025 E Street Northwest, Washington, D.C., in as much as this project is subject to approval of the National Capital Planning Commission and the Commission of Fine Arts pursuant to section 11 of the joint resolution entitled ''Joint Resolution to grant authority for the erection of a permanent building for the American National Red Cross, District of Columbia Chapter, Washington, District of Columbia'', approved July 1, 1947 (Public Law 100–637; 36 U.S.C. 300108 note).

SEC. 166. (a) PERMITTING COURT SERVICES AND OFFENDER SUPERVISION AGENCY TO CARRY OUT SEX OFFENDER REGISTRATION.—Section 11233(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1233(c)) is amended by adding at the end the following new paragraph:

''(5) SEX OFFENDER REGISTRATION.—The Agency shall carry out sex offender registration functions in the District of Columbia, and shall have the authority to exercise all powers and functions relating to sex offender registration that are granted to the Agency under any District of Columbia law.''.

(b) AUTHORITY DURING TRANSITION TO FULL OPERATION OF AGENCY.—

(1) AUTHORITY OF PRETRIAL SERVICES, PAROLE, ADULT PROBATION AND OFFENDER SUPERVISION TRUSTEE.—Notwithstanding section 11232(b)(1) of the National Capital Revitalization and Self-Government Improvement Act of 1997 (D.C. Code, sec. 24–1232(b)(1)), the Pretrial Services, Parole, Adult Probation and Offender Supervision Trustee appointed under section 11232(a) of such Act (hereafter referred to as the ''Trustee'') shall, in accordance with section 11232 of such Act, exercise the powers and functions of the Court Services and Offender Supervision Agency

for the District of Columbia (hereafter referred to as the ''Agency'') relating to sex offender registration (as granted to the Agency under any District of Columbia law) only upon the Trustee's certification that the Trustee is able to assume such powers and functions.

(2) AUTHORITY OF METROPOLITAN POLICE DEPARTMENT.—During the period that begins on the date of the enactment of the Sex Offender Registration Emergency Act of 1999 and ends on the date the Trustee makes the certification described in paragraph (1), the Metropolitan Police Department of the District of Columbia shall have the authority to carry out any powers and functions relating to sex offender registration that are granted to the Agency or to the Trustee under any District of Columbia law.

SEC. 167. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession, use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 168. (a) IN GENERAL.—There is hereby transferred from the District of Columbia Financial Responsibility and Management Assistance Authority (hereinafter referred to as the ''Authority'') to the District of Columbia the sum of $5,000,000 for the Mayor, in consultation with the Council of the District of Columbia, to provide offsets against local taxes for a commercial revitalization program, such program to be available in enterprise zones and low and moderate income areas in the District of Columbia: *Provided,* That in carrying out such a program, the Mayor shall use Federal commercial revitalization proposals introduced in Congress as a guideline.

(b) SOURCE OF FUNDS.—The amount transferred under subsection (a) shall be derived from interest earned on accounts held by the Authority on behalf of the District of Columbia.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Mayor shall report to the Committees on Appropriations of the Senate and House of Representatives on the progress made in carrying out the commercial revitalization program.

SEC. 169. Section 456 of the District of Columbia Home Rule Act (Section 47–231 et seq. of the D.C. Code, as added by the Federal Payment Reauthorization Act of 1994 (Public Law 103–373)) is amended—

(1) in subsection (a)(1), by striking ''District of Columbia Financial Responsibility and Management Assistance Authority'' and inserting ''Mayor''; and

(2) in subsection (b)(1), by striking ''Authority'' and inserting ''Mayor''.

SEC. 170. (a) FINDINGS.—The Congress finds the following:

(1) The District of Columbia has recently witnessed a spate of senseless killings of innocent citizens caught in the crossfire of shootings. A Justice Department crime victimization survey found that while the city saw a decline in the homicide rate between 1996 and 1997, the rate was the highest among a dozen cities and more than double the second highest city.

(2) The District of Columbia has not made adequate funding available to fight drug abuse in recent years, and the city has not deployed its resources as effectively as possible. In fiscal year 1998, $20,900,000 was spent on publicly funded drug treatment in the District compared to $29,000,000 in fiscal year 1993. The District's Addiction and Prevention and Recovery Agency currently has only 2,200 treatment slots, a 50 percent drop from 1994, with more than 1,100 people on waiting lists.

(3) The District of Columbia has seen a rash of inmate escapes from halfway houses. According to Department of Corrections records, between October 21, 1998 and January 19, 1999, 376 of the 1,125 inmates assigned to halfway houses walked away. Nearly 280 of the 376 escapees were awaiting trial including 2 charged with murder.

(4) The District of Columbia public schools system faces serious challenges in correcting chronic problems, particularly long-standing deficiencies in providing special education services to the 1 in 10 District students needing program benefits, including backlogged assessments, and repeated failure to meet a compliance agreement on special education reached with the Department of Education.

(5) Deficiencies in the delivery of basic public services from cleaning streets to waiting time at Department of Motor Vehicles to a rat population estimated earlier this year to exceed the human population have generated considerable public frustration.

(6) Last year, the District of Columbia forfeited millions of dollars in Federal grants after Federal auditors determined that several agencies exceeded grant restrictions and in other instances, failed to spend funds before the grants expired.

(7) Findings of a 1999 report by the Annie E. Casey Foundation that measured the well-being of children reflected that, with 1 exception, the District ranked worst in the United States in every category from infant mortality to the rate of teenage births to statistics chronicling child poverty.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that in considering the District of Columbia's fiscal year 2001 budget, the Congress will take into consideration progress or lack of progress in addressing the following issues:

(1) Crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets.

(2) Access to drug abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs.

(3) Management of parolees and pretrial violent offenders, including the number of halfway house escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes.

(4) Education, including access to special education services and student achievement.

(5) Improvement in basic city services, including rat control and abatement.

(6) Application for and management of Federal grants.

(7) Indicators of child well-being.

SEC. 171. The Mayor, prior to using Federal Medicaid payments to Disproportionate Share Hospitals to serve a small number of childless adults, should consider the recommendations of the Health Care Development Commission that has been appointed by the Council of the District of Columbia to review this program, and consult and report to Congress on the use of these funds.

SEC. 172. GAO STUDY OF DISTRICT OF COLUMBIA CRIMINAL JUSTICE SYSTEM.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the law enforcement, court, prison, probation, parole, and other components of the criminal justice system of the District of Columbia, in order to identify the components most in need of additional resources, including financial, personnel, and management resources; and

(2) submit to Congress a report on the results of the study under paragraph (1).

This title may be cited as the ''District of Columbia Appropriations Act, 2000''.

TITLE II—TAX REDUCTION

SEC. 201. COMMENDING REDUCTION OF TAXES BY DISTRICT OF COLUMBIA.

Congress commends the District of Columbia for its action to reduce taxes, and ratifies D.C. Act 13–110 (commonly known as the Service Improvement and Fiscal Year 2000 Budget Support Act of 1999).

SEC. 202. RULE OF CONSTRUCTION.

Nothing in this title may be construed to limit the ability of the Council of the District of Columbia to amend or repeal any provision of law described in this title.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 330, the gentleman from Oklahoma (Mr. ISTOOK) and the gentleman from Virginia (Mr. MORAN) each will control 30 minutes.

☐ 1630

(By unanimous consent, Mr. ARMEY was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. ARMEY. Mr. Speaker, as the body knows, we are working on conference reports on appropriations bills. We are working well and making good progress on the remaining bills. Nevertheless, as it is turning out, we will not be able to file reports this evening that would make it possible for us to have bills on the floor tomorrow. In that regard, I think it is only fair that I advise the Members that as we enter this bill and this discussion, we will be taking on the final work of the day and the next series of votes should be expected to be the final votes of the day and, therefore, the final votes of the week. Members should expect to conclude our work at approximately 6 o'clock this evening.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding. I would like to add to what the majority leader said and explain that it had been our intention to file the conference report on the Interior appropriations bill this evening, but just at the last minute a new proposal was submitted, the administration had a very strong position on something, the Senate agreed that it should be considered, and so we are not going to have time to do that and file the bill and get it to the Committee on Rules tonight. We apologize. We had expected to have this bill ready for consideration on the floor tomorrow except for this last-minute wrinkle that developed.

Mr. ARMEY. Mr. Speaker, my final observation, I am sure the Members at large will want to join me in expressing our appreciation to the members of the Committee on Appropriations and other conferees on other conferences for their willingness to continue this work tomorrow and even over the

weekend even though the House will not be formally in session.

The SPEAKER pro tempore (Mr. LAHOOD). The House will now proceed on the District of Columbia appropriations bill.

The Chair recognizes the gentleman from Oklahoma (Mr. ISTOOK).

GENERAL LEAVE

Mr. ISTOOK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3064, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

We are here, Mr. Speaker, on bringing back the appropriations bill for the District of Columbia that previously passed this House a few weeks ago and was vetoed by the President. It is because of the President's veto that we are still here.

The President in his veto message mentioned several items which I will cover in a moment. But I think if we look first, as we should, at what underlies this bill in the appropriations, we will understand why some of these other issues that are raised as a barrier to the passage of the bill should not be raised against it.

Mr. Speaker, this bill is important to the District of Columbia. It adopts and approves their budget as put forth to Congress by the mayor and the city council. We did not change their budget submission. We have a new mayor, a new council, we are trying to work closely with them. I have spent a great many hours working with them and other persons in the District of Columbia. I appreciate the fresh attitudes that many of them have brought to this effort.

This bill has Federal funding, not required under any sort of formula, Federal funding to assist in drug testing and drug treatment for some 30,000 persons in the District of Columbia that are on probation and parole, that are a great source of crime in the District. It has the crackdown money for the open air drug markets; again not money that the Congress was required to provide to the Nation's capital but which we are doing because it is the Nation's capital, it has a serious drug problem, we are trying to help them with their problem of drugs and the interrelated problem of crime.

We have extra Federal funding to help them clear the backlog of over 3,000 kids in D.C. that are stuck in foster homes that need to be adopted into permanent, stable, loving homes. We have funding for the incentives for that. We have funding for cleaning up the Anacostia River. We have a strengthening of the charter school movement which is taking great hold in D.C. in providing kids an alternative to some very troubled public schools in the Nation's capital. We have a scholarship program to help them attend college, several million dollars set aside for that purpose. We have funding for the court system, funding for the criminal justice system, funding for the prison and corrections system.

This is a very important bill to help cure some of the accumulated problems of the Nation's capital. We are assisting them in reducing the size of the District government, to help them buy up employment contracts so they can shrink the size of the District government. We have approval for the tax cuts that the D.C. mayor and council have adopted, historic tax cuts and reductions to make the Nation's capital a better and safer place to live, to work and to visit.

In the midst of all these, we also have some things that have been part of this bill for years, that nevertheless the President chose those things, to ignore all these other things which have had universal approval, to ignore all these others, and the President chose certain issues in his veto message.

There are seven things in his veto message. First, he said he was vetoing it because it did not allow the District of Columbia to decide for itself whether marijuana would be legal. Of course, that is why we have national drug laws. Second, because it does not permit the District to be involved in providing free needles to drug addicts, he vetoed it over that. Third, because it has a restriction that has been in this bill for 21 years, saying you do not use taxpayer money for unrestricted abortion, only in the cases of rape, incest and life of the mother. Next, he vetoed it because it continues a restriction that has been in effect for 8 years, saying that you do not provide taxpayer-funded benefits to unmarried persons living together, you do not give them the same consideration as persons living together in marriage. Next, he said he vetoed it because it does not allow taxpayer money to be used to finance a lawsuit, which was filed and is already proceeding, but it does not let taxpayer money finance a lawsuit against the House and the Senate challenging the Constitution's restriction that does not give D.C. a vote the same as another State in the Congress. Next, he vetoed it because he said we should not restrict the salaries of the D.C. city council members. There was a lid on how much they could go up. And, finally, because it had a restriction on how much hourly rates could be for attorneys that sue the schools in the District of Columbia, which the D.C. schools had told us was important because millions of dollars were being drained away from the schools by those lawsuits.

That was the President's veto message. What is different about this bill from when he vetoed it? We have taken away the restriction on the D.C. council members' salaries. We have made an adjustment, albeit a small one, on the hourly rate legal fees paid to attorneys. We have not changed the provisions relating to needles for drug addicts. We have not changed the provisions on taxpayer funding for this lawsuit which currently is proceeding with private funding. It is in the courts. Nobody's rights have been blocked. It is being funded with private dollars. They want to use taxpayers' money to pay attorneys that are right now willing to work for free. One of the leading law firms in the country, Covington & Burling, is handling that so-called voting rights lawsuit. We have not changed the provisions regarding abortion nor the so-called domestic partners benefits. And we have expressly retained the language saying the laws in the Nation's capital cannot conflict with the drug laws of the country. And we have expressly disapproved the initiative of the D.C. voters trying to legalize so-called medical marijuana.

Mr. Speaker, I heard persons on the other side of the aisle say, ''Oh, these other things aren't issues,'' and sometimes it is one thing and sometimes it is another. But I have never, never, never, never, never heard them say, ''We will accept the provision that requires D.C.'s drug laws to be consistent with the drug laws of the country.'' They have never said that. They have never asked the President to withdraw his veto on those grounds.

I have heard people try to say, ''Well, the President didn't really veto it over that.'' Yes, he did. These are excerpts from the President's own veto statement.

He wrote to this Congress, it is in the CONGRESSIONAL RECORD, ''Congress has interfered in local decisions in this bill in a way that it would not have done to any other local jurisdiction in the country.''

What is he talking about? He said, ''The bill would prohibit the District from legislating with respect to certain controlled substances.'' Controlled substances. That is drugs. That is what the law talks about. That is how we define drugs in the law. Because it does not allow the District to legalize marijuana as they are trying to do. And he says, ''Congress should not impose such conditions on the District of Columbia.'' Congress imposes those conditions on Oklahoma City. It imposes them on Alexandria, Virginia. It imposes them on Grand Rapids, Michigan. Every place in the country is covered by the national drug laws. The President vetoed the bill because he says, ''King's X, Washington D.C. shouldn't be covered,'' that they ought to be able to adopt their own rules of this so-called medical marijuana.

Mr. Speaker, that is greatly misleading. We have had testimony a number of times from the persons that we finance with a $16-billion-a-year effort to fight drugs in this country, including the White House's own office, the so-called drug czar, the Office of National Drug Policy. Here is the statement from the drug czar of the United States, General Barry McCaffrey:

''Medical marijuana initiatives present even greater risks to our young people. Referenda that tell our children that marijuana is a 'medicine' send them the wrong signal about the dangers of illegal drugs, increasing the likelihood that more children will turn to drugs.''

Why did the President not listen to his own White House people about the effort to legalize drugs? And they have told the Congress before that this is just part of the national effort to legalize drugs, city by city, State by State, poking holes in the consistent Federal law against it. I would like to hear a clear statement from my friends across the aisle, ''We will accept that language in the bill. We will accept that the District of Columbia should be under the universal drug laws that cover all parts of the United States of America.'' That is all we are asking. They have not said it. Maybe they will today. But I hope it is clear and consistent that they ask the White House to retract this part of the veto statement by the President.

Why do they do such a thing? I can only surmise that he is trying to pander to certain political extremists, perhaps to assist the Vice President in securing an important part of his hoped-for constituency in his race for President. That is my theory. That is the only reason I can understand for why this would occur. I believe that it is really absurd and ridiculous for the President of the United States to say drug policy in America is going to change from a consistent national policy to protect our kids, and instead we are going to let people shoot holes in the laws all over the country.

I will place in the CONGRESSIONAL RECORD a copy of an April 1998 article from Readers Digest detailing the financed effort, using a lot of hype, a lot of misleading things, to promote the so-called medical marijuana.

We had a hearing before our subcommittee. We had the officials from the Justice Department and the White House and the Office of National Drug Control Policy come and testify. They confirmed to us that it is never, never medically necessary or suggested that smoking marijuana is the best way to alleviate any health problem. We have had legal for over 20 years, under prescriptions, the active ingredient, THC, which people can get via a doctor's prescription with a drug called Marinol and they have consistently said, let us handle the issue of drugs through the Food and Drug Administration and through considered policy rather than use these anecdotes and sob stories that sometimes people use in political referenda.

And certainly the police chief of Washington, D.C. is not fooled. Charles Ramsey, the chief of police of Washington, D.C., publicly issued this statement before D.C. had this vote.

□ 1645

The police chief said, quote:

''Legalized marijuana under the guise of medicine is a sure fire prescription for more marijuana on the streets of D.C., more trafficking and abuse, and more drug-related crime and violence in our neighborhoods. This measure would provide adequate cover in the name of medicine for offenders whose real purpose is to manufacture, distribute and abuse marijuana.''

That is the police chief right here in Washington, D.C.

All I ask my friends across the aisle and the White House is to withdraw their objections to that part of the bill that says you do not legalize marijuana in the Nation's capital. I am asking the White House to retract that statement. Then we could focus on other issues.

Finally, in my comments at this time I recognize and will hear some about this voting rights effort to the lawsuit, trying to win through the courts, not through the Constitution, a vote for D.C. in the House and votes in the Senate. I understand their concern. The restriction in the bill does not say they cannot have such a suit; it says do not use taxpayers' money for it; that such a suit has been pending; it has been for many months, handled at private expense. The attorneys are handling it pro bono, which means they do not charge anything, and nobody's rights have been denied.

The District officials said, ''Oh, we want to be able to pay the attorneys that are right now willing to do it for free.'' That is the issue. It has acquired some symbolism on both times.

I made a good faith effort in the House/Senate conference to craft something that would satisfy D.C. and satisfy the Senate. The Senate has not at this time been willing to go along with it.

I think symbolism has got people pushed on both sides, and I am not looking at the symbols, I am looking at the reality that the lawsuit is going to go forward with or without the funding; and nominal funding is one thing, large funding is another. Maybe we can work that out in conference because we are going to have a conference between the House and the Senate.

We are not trying to ramrod anything. I have been in communication with the White House officials through the Office of Management and Budget; I have been in communication with my friends across the aisle, with the persons in the District, with a ton of other people. We have had lots of discussions on this.

I hope nobody would believe anything to the contrary, and we are still going to have further discussions, but right now we need to move it along and get this bill passed. Then we will have the House/Senate conference, and we will try to work out the differences. I wish we could work them all out today. It will do no end of good if we could just have our friends across the aisle and the White House abandon their support of the effort of D.C. to legalize marijuana.

H.R. 3064 - DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	H.R. 2587 (vetoed)	H.R. 3064	H.R. 3064 vs. H.R. 2587
FEDERAL FUNDS					
District of Columbia Resident Tuition Support			17,000	17,000	
Incentives for Adoption of Foster Children			5,000	5,000	
Citizens Complaint Review Board			500	500	
Federal Payment for Human Services			250	250	
Metrorail improvements and expansion	25,000				
Federal payment for management reform	25,000				
Federal payment for Boys Town U.S.A.	7,100				
Nation's Capital Infrastructure Fund	18,778				
Environmental Study and Related Activities at Lorton Correctional Complex	7,000				
Federal payment to the District of Columbia corrections trustee operations	184,800	176,000	176,000	176,000	
Federal payment to the District of Columbia Courts	128,000	137,440	99,714	99,714	
Defender Services in D.C. Courts			33,336	33,336	
Federal payment to the Court Services and Offender Supervision Agency of the District of Columbia	59,400	80,300	93,800	93,800	
Federal payment for Metropolitan Police Department	1,200		1,000	1,000	
Federal payment for Fire Department	3,240				
Federal payment for Georgetown Waterfront	1,000				
Federal payment to Historical Society for City Museum	2,000				
Federal payment for a National Museum of American Music and Downtown Revitalization	700				
United States Park Police	8,500				
Federal payment for waterfront improvements	3,000				
Federal payment for mentoring services	200				
Federal payment for hotline services	50				
Federal payment for public charter schools	15,622				
Medicare Coordinated Care Demonstration Project	3,000				
Federal payment for Children's National Medical Center	1,000		2,500	2,500	
National Revitalization Financing:					
Economic Development	25,000				
Special Education	30,000				
Year 2000 Information Technology	20,000				
Infrastructure and Economic Development	50,000				
Y2K conversion emergency funding (courts)	2,249				
Y2K conversion (emergency funding)	61,800				
Total, Federal funds to the District of Columbia	683,639	393,740	429,100	429,100	
DISTRICT OF COLUMBIA FUNDS					
Operating Expenses					
Governmental direction and support	(164,144)	(174,667)	(167,356)	(167,356)	
Economic development and regulation	(159,039)	(190,335)	(190,335)	(190,335)	
Public safety and justice	(755,786)	(778,670)	(778,770)	(778,770)	
Public education system	(788,956)	(850,411)	(867,411)	(867,411)	
Human support services	(1,514,751)	(1,525,996)	(1,526,361)	(1,526,361)	
Public works	(266,912)	(271,395)	(271,395)	(271,395)	
Receivership Programs	(318,979)	(337,077)	(342,077)	(342,077)	
Workforce Investments		(8,500)	(8,500)	(8,500)	
Buyouts and Management Reforms			(18,000)	(18,000)	
Reserve		(150,000)	(150,000)	(150,000)	
District of Columbia Financial Responsibility and Management Assistance Authority	(7,840)	(3,140)	(3,140)	(3,140)	
Financing and other		(384,948)			
Washington Convention Center Transfer Payment	(5,400)				
Repayment of Loans and Interest	(382,170)		(328,417)	(328,417)	
Repayment of General Fund Recovery Debt	(38,453)		(38,286)	(38,286)	
Payment of Interest on Short-Term Borrowing	(11,000)		(9,000)	(9,000)	
Certificates of Participation	(7,926)		(7,950)	(7,950)	
Human development	(6,674)				
Optical and Dental Insurance payments			(1,295)	(1,295)	
Productivity Bank			(18,000)	(18,000)	
Productivity Savings			(-18,000)	(-18,000)	
Procurement and Management Savings	(-10,000)	(-21,457)	(-21,457)	(-21,457)	
Total, operating expenses, general fund	(4,418,030)	(4,653,682)	(4,686,836)	(4,686,836)	
Enterprise Funds					
Water and Sewer Authority and the Washington Aqueduct	(273,314)	(279,608)	(279,608)	(279,608)	
Lottery and Charitable Games Control Board	(225,200)	(234,400)	(234,400)	(234,400)	
Office of Cable Television	(2,108)				
Public Service Commission	(5,026)				
Office of People's Counsel	(2,501)				
Office of Insurance and Securities Regulation	(7,001)				
Office of Banking and Financial Institutions	(640)				
Sports and Entertainment Commission	(8,751)	(10,846)	(10,846)	(10,846)	
Public Benefit Corporation	(66,764)	(89,008)	(89,008)	(89,008)	
D.C. Retirement Board	(18,202)	(9,892)	(9,892)	(9,892)	

H.R. 3064 - DISTRICT OF COLUMBIA APPROPRIATIONS BILL, 2000

(Amounts in thousands)

	FY 1999 Enacted	FY 2000 Request	H.R. 2587 (vetoed)	H.R. 3064	H.R. 3064 vs. H.R. 2587
Correctional Industries Fund	(3,332)	(1,810)	(1,810)	(1,810)	.....
Washington Convention Center	(48,139)	(50,226)	(50,226)	(50,226)	.....
					.....
Total, Enterprise Funds	(660,978)	(675,790)	(675,790)	(675,790)	.....
Total, operating expenses	(5,079,008)	(5,329,472)	(5,362,626)	(5,362,626)	.....
Capital Outlay					
General fund	(1,711,161)	(1,218,638)	(1,218,638)	(1,218,638)	.....
Water and Sewer Fund	.....	(197,169)	(197,169)	(197,169)	.....
					.....
Total, Capital Outlay	1,711,161	1,415,807	1,415,807	1,415,807	.....
Total, District of Columbia funds	(6,790,169)	(6,745,279)	(6,778,433)	(6,778,433)	.....
Total:					
Federal Funds to the District of Columbia	683,639	393,740	429,100	429,100	.....
District of Columbia funds	(6,790,169)	(6,745,279)	(6,778,433)	(6,778,433)	.....

Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, let me respond to the challenge from the distinguished gentleman and chairman of this appropriation subcommittee as to what we are attempting to seek. I will say it as explicitly as possible.

The citizens of the District of Columbia do want to be held to the same Federal law that applies to every other citizen of the United States. We have said it, and in fact that is what this bill is all about. The only real issue here is whether D.C. citizens should have the same responsibilities and the same rights and be held accountable in the same manner as every other citizen in the United States.

That is what this whole issue is all about: apply the same Federal law on medicinal use of marijuana as we apply in every other State and every other community.

So we got a lot of red herrings here, and it has been suggested that the President on the one hand wants to legalize drugs and on the other hand, we quote, the very people he has appointed to fight drugs, quote them, that they are opposed to legalizing drugs. They cannot have it both ways unless all they are interested in is political rhetoric.

The fact is that the President does not oppose this bill for the specific issues in these riders but because these riders do not belong in an appropriations bill, and it is not fair to the citizens of the District of Columbia to treat them differently than every other American citizen is treated.

Now, Mr. Speaker, I am disappointed that I cannot support this bill, because the gentleman from Oklahoma (Mr. ISTOOK) did do a very fine job on the spending parts of this bill. In terms of appropriations, nice job, Mr. Chairman. Well done; it is a good bill. Unfortunately, it is the nonappropriation issues, the issues that do not belong in this bill, that have caused the problems. If it were not for those so-called social riders that should have been taken up by the authorizing committees that are substantive legislation that do not belong in an appropriations bill in our opinion, we are not for that; and this bill would pass unanimously.

We could offer as a substitute today the appropriations bill that was approved by the full Committee on Appropriations. We did not get everything we wanted. In fact, we yielded and lost on a number of issues. But we had a bipartisan vote; it was almost a unanimous vote in full committee and an almost unanimous vote on the floor. We accepted the will of the majority. It was fair. There was some compromise. It was a good appropriations bill. Give us that bill, and our work is done, and I know the President will sign this.

Give us the bill that the full majority-controlled Committee on Appropriations passed. Give us the bill that this House floor passed, and our work is done. We will sign in a moment, we will vote for it in a moment, and I am sure the President will sign it in a moment.

Efforts to micromanage the affairs of the District were kept to a minimum in that bill. The functions that the Federal Government assumed under the revitalization act, that was terrific legislation thanks to the gentleman from Virginia (Mr. DAVIS), the Chair of the authorizing committee, where these other issues should be dealt with. Those issues were funded at the appropriate levels. Those programs, they are good programs, crime, drug treatment, education, the environment, health care, and in fact they boosted funding for them. We wanted to keep that money; we wanted to support their efforts on that.

Mr. Speaker, as I say, after we had an opportunity to debate the pros and cons and do some compromise, we agreed that it was a good bill, it deserved our support.

But then we got to conference, and it became clear that we were not making progress, that in fact it was not a spirit of compromise that pervaded in the conference; and that is why we turned around and did not support the bill. For example, in voting rights the chairman gave assurances to the delegate from the District of Columbia that he would take care of the voting rights issue in conference. Did not happen. Had it happened, we would not be in this posture, and I would be happy to yield to the gentleman just as often as he yielded to me.

So let us talk about the issues that are at stake here, and the point that I am trying to make, that we ought to treat the District just like our own constituents, nothing more, nothing less.

No one in this body, to my knowledge no one in the Senate, has offered an amendment, for example, and has told their constituents that they cannot use their own local funds to provide health care for domestic partners. No one has done that. No one is telling their constituents who participate in more than 67 State and local government health care plans, more than 95 college and university health plans and 70 Fortune 500 company health care plans, at least 450 other major business plans, not-for-profit union health care plans, no one has tried to make it illegal for those private entities and State and local governments to do what they think is right for their constituents. No one, but we have done it for the District.

No one in this body has offered an amendment to prohibit the 113, 113 other localities that have needle exchange programs. We have not tried. No one has tried to prevent them from using their local funds for those programs, and yet the District of Columbia has the very highest rate in the country of HIV infection, and that is why so many people care. It is the single greatest source of deaths for people between the ages of 25 and 35. Of all the communities that ought to be afraid to do what they think is necessary, no matter how radical some people may think it, the District has the worst problem.

I am sure we would not do it to any other community, tell them that they cannot deal with their problems in the way that they see fit, particularly since every scientific and medical study, every study has affirmed that needle exchange programs in fact work. They reduce the transmission of AIDS and HIV, and they do not increase the use of illegal drugs. Every study has said that. But the reason that the Whitman-Walker Clinic in the District wants to do it is because it enables them to get access to people who are addicted to drugs. If they come in for the needles, the needles cost nothing; but when they go in, they identify the drug addicts in the community, they can get them into treatment, and they do not get needles unless they can get into drug treatment and counseling.

That is what that is all about.

But we said in committee, let us not deal with this issue with Federal funds. We accept the will of the majority. Let us not use any public funds. No public funds can be used for needle exchange programs, and that is what the full committee passed.

Give us that language, and again this becomes the kind of bill that we could support. But our colleagues would not give us that language. They are saying private funds cannot be used. No willingness to compromise.

Lastly, no one here would consider offering legislation that would apply the same restrictions on the medicinal use of marijuana that we have applied for District residents. We are not saying that we buy into the program. We understand it is a very controversial issue. But six States have passed referenda. They passed the referenda. Why not let the District of Columbia pass the same referenda?

I have not seen anybody from any of those States try to prevent their States from passing such a referenda, only D.C. Is that fair? As my colleagues know, it obviously is not fair.

So all we want to say is let the Federal law apply as it does to those six other States. We are not trying to change Federal law; we are just trying not to interfere with the District's right to have the same rights and responsibilities that everyone of our constituents have.

Likewise the abortion issue. We fight about it every year, but we are willing to accept what is a more than fair compromise, keep the Federal funds out of it, prohibit Federal funds.

So we go down the list, and everyone of these issues come down to the same thing, not whether or not we support the program, but whether or not we support the rights of the citizens of the District of Columbia to make their own judgments with their own funds, not

with Federal funds. That is what this objection is all about.

Lastly is the issue of voting rights. We discussed it on the rule. All that needs to be allowed is for the D.C. Corporation Counsel to advise the D.C. City Council, the elected body of the District of Columbia, on the status of legislation directly affecting D.C. citizens. That is all they have to do because the cost is paid for pro bono by a large law firm, but right now the D.C. Corporation Counsel cannot even discuss it with the D.C. City Council. Now this is not an unreasonable request.

So I am going to offer an amendment, and all that amendment would do is to insert one word. It would say that no Federal funds can be used in the pursuit of, and actually I will give my colleagues the exact words; it would say: ''No Federal funds can be used by the District of Columbia Corporation Counsel or any other officer or entities of D.C. government to provide assistance for any petition drive or civil action which seeks to require Congress to provide the voting representation of Congress for D.C.''

□ 1700

No Federal funds can be used for that. That is what we want to do. I cannot imagine that my colleagues could come up with anything more reasonable as a compromise than that.

So with that, Mr. Speaker, I ask unanimous consent that the amendment that I have placed at the desk be considered as adopted.

The SPEAKER pro tempore (Mr. LAHOOD). Does the manager of the bill, the gentleman from Oklahoma (Mr. ISTOOK), who called the bill up for consideration, yield for this purpose?

Mr. ISTOOK. Mr. Speaker, under the rule, I do not believe I am permitted to yield for any amendments.

The SPEAKER pro tempore. Let me repeat the question. Does the manager of the bill, the gentleman from Oklahoma, who called the bill up for consideration, yield for that purpose?

Mr. ISTOOK. Mr. Speaker, I have not yielded for that purpose.

PARLIAMENTARY INQUIRY

Mr. MORAN of Virginia. Mr. Speaker, it is my understanding that, contrary to what the gentleman suggested, that that would not be prohibited by the rule for the gentleman to yield for this request.

The SPEAKER pro tempore. The gentleman has not yielded for that purpose.

Mr. MORAN of Virginia. Mr. Speaker, if I might explain my question of the Speaker, there is perhaps a misunderstanding, and maybe it is on my part, but is it not a correct understanding that it would be in order, if the gentleman were to yield, such yielding for this purpose would not be prohibited by the rule that was passed? Is that a correct interpretation?

The SPEAKER pro tempore. The Chair could entertain a unanimous consent request from the gentleman from Virginia if the gentleman from Oklahoma would yield for that purpose. He has not yielded.

Mr. MORAN of Virginia. Mr. Speaker, he has not yielded. I wanted to clarify that, that the gentleman was free to yield, but chose not to yield for that purpose. His yielding would not have been prohibited with the rule.

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TIAHRT. If the gentleman is making a unanimous consent request for the purpose of something that is already in the bill, would his request not already have taken place with the final vote of the bill?

The SPEAKER pro tempore. The Chair has not entertained any request.

Mr. ISTOOK. Mr. Speaker, I would inquire as to how much time remains on either side.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) has 15½ minutes remaining; the gentleman from Virginia (Mr. MORAN) has 18 minutes remaining.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time.

Mr. MORAN of Virginia. Mr. Speaker, I yield 8 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I appreciate that there has been some disposition on this floor to try to rescue this bill from its stalemate. I cannot speak to the riders because this matter, for me, no longer is about the riders. I do believe that the riders can be settled; that there is, and one can see it from at least some of the Members here, some disposition to try to deal realistically with the riders.

However, as I look at what is happening on this floor, it is like looking at a play where everyone is playing her part. I am unable to play the part of the Republican who is for the riders and the Democrat who opposes the riders, because this is serious business for me. I want to focus on the process so that we can find our way out.

This bill was vetoed on September 28. That was 16 days ago. Since that time, there has not been a single meeting among all of those concerned. There have been discussions with individuals, discussions that none of them had the power to consummate into a bill. I had amicable discussions, for example, with the chair of the subcommittee. We even agreed to the kind of thing we certainly would not agree to see in the bill, something that had been proposed that we certainly did not want to see happen, and he said he would be back to me after he looked at the veto message. I have not heard from him, but I cannot much blame him, because he knows that ELEANOR HOLMES NORTON is not empowered to make an agreement on this bill.

For those new to the House, there is no Member in the Chamber now who is empowered to solve this matter. That is not what happens after a veto. After a veto, one has to get the House and the Senate Members together, have an exchange, and see what we can come up with.

Mr. Speaker, that is what has not occurred on this bill.

I want the Members to know that this Member believes that an accommodation can be made on this bill, and I ask only that we get in a room to seek that accommodation. The administration has tried; it has been unable to do so, and that may be because getting everybody together has been the problem. If there is goodwill on both sides, let us seek to do that now.

The District of Columbia is used to being treated uniquely; the District of Columbia is used to being treated unfairly, but it is a new low to isolate the city, to have no communication about its appropriation with the Members of the House and Senate who are in a position to resolve the matter.

When I went to speak with the Speaker, and I want to say that I appreciate that the Speaker spoke with me when I asked to speak with him, even though I had no meeting, and I appreciate the wonderful tone that the gentleman from Florida (Mr. YOUNG) and the Speaker set when I took the Mayor of the District of Columbia to meet them both. And we agreed that we were going to try to move forward this year in a fashion that was satisfactory to all and did not involve confrontation, and I appreciate that we had very serious discussions when we met. I have been assured by the Speaker and his staff that there would indeed be discussions following this vote.

The problem I have with that procedure is that even though there have been some virtual negotiations here, what happens after we have a vote, instead of hardening sides, I want to put the position of the District of Columbia on the table. Here I speak for the Mayor. Here I speak for the entire City Council, and here I speak from the only Member of Congress that represents them.

The District of Columbia does not want a confrontation. The District of Columbia does not want a vote on this matter at this time. The District of Columbia does not want ''no'' votes for the Democrats and ''yes'' votes for the Republicans. The District of Columbia does not want a House ritual. The District of Columbia wants the House and Senate, Democrats and Republicans to get in a room with the administration and solve this matter this very day. And we say that, despite the fact that there are more anti-home rule riders in this bill than ever in 25 years of home rule. Yet, we are willing to engage in realistic discussions.

From the beginning I have said that I knew we would not have a perfect

bill. I have been prepared to iron out our concerns. I have found nobody who would get me in a room, and I do not even have to be in there. All that has to be in there is the agent of the person that has to sign the bill, we have nothing unless he signs it, and whoever is empowered in the House and the Senate to say yes. The gentleman from Oklahoma (Mr. ISTOOK) is not empowered to do that, he is not the chairman of the Committee on Appropriations, he is not the Speaker of the House. The gentleman from Virginia (Mr. MORAN) does not have the power to do that, he is not the ranking member of the Committee on Appropriations, the gentleman from Wisconsin (Mr. OBEY); and certainly nobody in this room is empowered to do that for the President of the United States. If one is serious about getting a bill done, everybody in this room knows that is the only way to do it.

This is no longer about any particular riders; all of the riders are now up for grabs. It is about whether we should go to a vote when this matter has been brought forward unilaterally. It is about whether we are willing to give respect to the new mayor and the new city council who have submitted a balanced budget and tax cuts and a surplus; it is about helping a city which has struggled out of insolvency.

We are well aware of our differences. We ask that we get the respect of not submitting us to the summary execution of a vote at this time, but allow discussions to go on before any vote occurs so that when we come back on Tuesday, we can have a vote which would be, in effect, a consensus vote.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT), a member of the subcommittee.

Mr. TIAHRT. Mr. Speaker, I thank the gentleman from Oklahoma for yielding me this time.

I just want to say that there is a lot of confusion on that side. First I heard there were two issues pending, then I heard that there were seven issues pending, and then that we have not had enough meetings. The chairman has been available to meet with the President's point of contact for this very bill, but they have not returned his phone calls.

Let us go back to the two very objections: voting rights and needle exchange programs. Both of these issues are progressing forward under private funds and there is nothing in this legislation that would stop them from happening. So to consider that this is an objection to stop the bill is false. They are continuing at their own speed with private funds, and I think they should. They want to use tax dollars, and they are my tax dollars too. I pay taxes in the District of Columbia like a lot of people do. I pay my parking tickets, and I do not want my taxes going for either one of these issues. But I do want to talk about the needle exchange program because it does currently exist and I think it should be stopped because number one, it is simply bad policy.

The Drug Czar, General Barry McCaffrey, says in his Office of National Drug Control Policy in July of 1999 that we should not have a needle exchange program, and why? The public health risks outweigh the benefits. He said that treatment should be our priority. He says it sends the wrong message to our children and it places disadvantaged neighborhoods in greater risk. Well, if one does not agree with General McCaffrey, then call for his resignation. We can quote study after study, but the Drug Czar says we should not be doing this and let us not do it. If one does not agree with that, call for his resignation.

I do not think it works, because number two, the facts are very clear. If we look at what has happened in Baltimore, Baltimore has had a needle exchange program for 7 years; all of the opportunity in the world for it to work. But, according to the AP in a story released on July 5, nine out of 10 injection drug users in Baltimore have a blood-borne virus, nine out of 10. If nine out of 10 is not failure, how do we define failure?

The District of Columbia should not accept 10 percent as a passing grade. It simply does not work.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I know my friend from Kansas would appreciate having his quote fully explained so that no one might take it out of context.

General McCaffrey's quote was, ''I think the expanding number of needle exchange programs may go on at the community level, but it is our own viewpoint that Federal dollars need to be really conserved for effective drug treatment, particularly in support of the criminal justice system.''

General McCaffrey's office has told us that his remarks were taken out of context. He does support a ban on Federal funds for the use of needle exchange programs which, of course, is the language that we are trying to get in this bill, the very language General McCaffrey supports, but he has never supported a prohibition on local jurisdictions' efforts to implement a needle exchange program.

Now, these are the facts. I know the gentleman agrees with me that we are all entitled to our own opinion, but not to our own set of facts. These are facts. This is General McCaffrey's full quote, and I know he appreciates having his quote clarified so that it is not taken out of context.

Mr. Speaker, I reserve the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield 30 seconds to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Speaker, the gentleman from Virginia is right. Facts are stubborn things and the facts are that nine out of 10 injection drug users in Baltimore are infected with a drug-borne virus. A complete failure.

But to go back to the gentleman's point about General McCaffrey, this program does exist at the local level, it continues with local funds, and that agrees with what he is trying to say. So I do not think there is a disagreement with that. The disagreement is that this is bad policy; it simply does not work; and it should not progress the way we have it here in the District of Columbia. We should make this a shining city, a jewel on the top of the hill and not some place as a drug haven.

Mr. ISTOOK. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

☐ 1715

Mr. DAVIS of Virginia. Mr. Speaker, is the glass half empty or is it half full? That is where we always seem to be on the District appropriation bill.

This bill has a number of good things in it. We have taken off some of the riders from the last visit to the House floor. We have taken off the limitation on Council's salaries. We have taken off the capping of attorney's fees for special ed attorneys and the limiting of counsel on the leased property, working with the mayor.

But this bill continues to have a number of good things, in fact, even some better things as a result of bringing it to the floor this second time. There are three additional million dollars for the Southwest waterfront that were not here, additional funding to the CJA attorneys for the local courts, so they can be paid for representing poor people in the district.

We have money for the D.C. Scholarship Act. This is something that will allow D.C. students to pay in-State tuition to Virginia and Maryland State colleges, a right other people enjoy in all the other States of the union; money for the clean-up of the Anacostia river, dollars for a study of the widening of the 14th Street Bridge, additional money for drug treatment, and some other very good things in here. It takes and ratifies what the Mayor and the Council agreed on, and the Control Board, for their budget. So those are the very positive things.

It has some riders in the bill, some additions to this bill that have some controversy. We have talked about the marijuana initiative. This is a very poor initiative, in my judgment, because it is very overly drawn. The courts would have a field day. We do not even need a doctor's prescription to use marijuana under this, and it is something that frankly, outside of the appropriations process, I cannot believe Congress would approve. If my county passed it, I know the Commonwealth of Virginia would not allow us to do that. That is an issue that I do not think under any circumstances

this Congress is going to have to yield to. It has the needle exchange program.

It has one particularly obnoxious rider that does not even allow the city to sue to get their voting status. I think that is wrong. I opposed it when it came up here. I would like to see this come out.

The city does not get a vote on the House floor. There are 600,000 people that do not get representation in a vote on the House floor, the only place in America, and we will not even allow them to use their own funds to bring a lawsuit to get those actions clarified.

Nevertheless, even with all of that, it has a number of good things. For that reason, on balance, I think this is a bill that I would urge my colleagues to support, and then say that when it goes to the Senate and when it comes back to conference, we need to continue the dialogue. We need to continue the dialogue with the delegate from the District of Columbia, continue the dialogue with Members of the other side, continue the dialogue with the District of Columbia government, and continue the dialogue with the President.

Eventually, we end up, I think, with a bill that we can all support, but to get there, this is an important stage in the process. If this goes down, we are back to ground zero. So I would urge my colleagues at this point to go ahead and support it.

I would just add, the budget was vetoed by the President on September 28. It is the city government that is now held hostage by not being able to move forward with this. The city has done nothing wrong in this except to ask approval of their budget. I hope we can get this resolved as expeditiously as possible.

Mr. ISTOOK. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT).

(Mrs. BIGGERT asked and was given permission to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise today in support of the fiscal year 2000 District of Columbia Appropriations Act. I also urge President Clinton to take a firm stand against illicit drug use by signing this legislation into law when it arrives there.

Drug users today are no longer strangers relegated to dingy houses and back alleys. Drug users are too often our friends, colleagues, and family members. The Congressional Research Service estimates that 11 million Americans purchase illegal drugs and use them more than once a month. The FBI estimates that State and local authorities arrested roughly 1.5 million individuals for drug-related crimes in 1997. What is more, drug use is often a factor in cases of domestic abuse, child abuse, and mental illness.

Given these troubling numbers, I believe the President's decision last month to veto this legislation set an extremely bad precedent. While overcoming the challenge of drugs is a formidable task, it can be done. It will take resolve. It will take tough choices. It calls for bold leadership on the part of our political leaders.

I urge my colleagues to vote to send this bill to the President.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. MICA), the chairman of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources.

(Mr. MICA asked and was given permission to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, we have a constitutional responsibility of stewardship over the District of Columbia.

The other side for 40 years had that responsibility. When we inherited, a little over 4 years ago, almost 5 years ago, that responsibility, we inherited a District of Columbia where the education system was a failure, where the hospitals were nearly closed down, where HUD and the housing authority were bankrupt.

We could not drink the water, and the water had to be turned over to others to operate. The utilities had to be turned over to others to operate. The prison system was such a disaster that we basically had to close down the prison and have it run by someone else.

The morgue was in such bad shape that the bodies were stacked, and there were unburied bodies. That is what we inherited as a new majority, plus a deficit that was running in the hundreds of millions, a half a billion dollars a year.

In 4 years, what we have done is we have begun to turn things around, reduce the murders in this city. This is today's paper. Read today's paper, the homicides. Aaron Walker, 18, found dead. Derrick Edwards, 22, found dead and murdered. Theodore Garvin, 17. These are just 2 days of deaths. Do we want to turn back to that time when they had their opportunity, and let us inherit a disaster as far as deaths, and most of them drug-related?

Baltimore, and these are the statistics from 1996, went from just a few drug addicts in the beginning of their needle exchange program to, in 1996, 38,000. We had testimony and comments from one of the city councilmen in Baltimore that that figure has risen to one in eight in the population. Do we want to turn back to that liberal policy? Do we want to see more deaths? I say no.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM), a member of our subcommittee.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I happen to live in D.C. I am a resident. I think that for many, many years the other side has let D.C. deteriorate. We set up control boards. We focused on education. We fully funded charter schools. We funded education. We got a new mayor that I am proud of, Mayor Williams. He is working with us.

The things that we are doing in education, the waterfront, the Anacostia River, $5 million to clean up the most polluted river in the United States, with the highest fecal count of any river. Yet, my colleagues on the other side would vote against this bill.

I know what the leadership wants, the gentleman from Missouri (Mr. GEPHARDT). He is fighting for the majority. But to vote against this bill because they want to legalize marijuana is wrong.

My own son was involved with marijuana, Jim. He is in boot camp today. If there was a doctor's prescription and it was under real tight control, if someone had AIDS, someone had cancer, then yes, maybe. But I have talked to residents. I have talked to hundreds of people. Not a single one of them knew that it did not even take a doctor's prescription to use marijuana.

Maybe the President would like this. He could inhale, for a change. But it is wrong. Even the President saying, I would inhale if I could, is wrong. It is the wrong message. For the capital of the United States to say it is okay to legalize drugs is the wrong message. It is wrong.

With all of the fine things that are in this bill, my colleague, the gentleman from the other side, and he is my friend, he knows that, we have long discussions together through heat, through cold. But I believe that we have done a good job on this bill, I say to the gentleman from Virginia (Mr. MORAN), and that to deny, because the leadership wants to stop this bill for the crazy things, when we talk about home rule, it is wrong.

They, this House, inhibits our cities; IDEA, the Individuals With Disabilities Act, OSHA, everything is inhibited by this body. We are saying with all the good things in this bill, please support it. It helps Washington, D.C.

Mr. MORAN of Virginia. Mr. Speaker, I yield myself 30 seconds to respond to my friend, the gentleman from California, that the issue that he talked about is really not the issue that is at stake here. He very well knows that the State of California passed a referendum dealing with allowing medicinal use of marijuana. They had lots of loopholes in it. But my friend did not get to the floor and try to overturn their law. He may have tried, but it never got to the floor. It never got enacted. They are still dealing with that legislation.

We are just asking for D.C. citizens to be treated the same as California citizens.

Mr. ISTOOK. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. BARR).

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me, and for his tremendous work in consistently highlighting the real problem here, and that is legalization of drugs in D.C.

Let me state for the record and for the benefit of those on the other side a

statement made by Merilee Warren, Deputy Assistant Attorney General of the criminal division of the United States Department of Justice on September 29 of this year, before the subcommittee on the District of Columbia in the Committee on Appropriations.

She is discussing the exact same issue that brings us here today. That is the initiative in the District of Columbia for the legalization of marijuana. She says, ''There is little doubt that the initiative undermines the Administration's consistent and effective national drug policy.''

Where have we heard this before? Well, we have heard this, as the chairman of the subcommittee has stated earlier, from General McCaffrey. One could, Mr. Speaker, take this very quote from General McCaffrey of 1997, strike through it, put today's date in, because it was just about 6 hours ago that General McCaffrey, the head of the Office of National Drug Control Policy, said the same thing. He is against medical marijuana, he is against these sorts of initiatives, and this is policy inconsistent with what the President is trying to do that brings us here today.

The initiative, 59, in the District of Columbia is inconsistent with Federal laws as they apply to the citizens of every State of the union. It is inconsistent with the will of this Congress, as represented by vote after vote after vote, including the one that we will take today, that the District of Columbia should continue to be subject to the Federal drug laws that apply elsewhere in the country.

They should not be given a bye, they should not be given special treatment. They should not be allowed to use marijuana with impunity and in violation of Federal laws. While the President feels otherwise, this provision must stand. This appropriations conference report, with the prohibition in it, must move forward. It is consistent with Federal policy and with the policy as enunciated by members of this administration.

Mr. ISTOOK. Mr. Speaker, I reserve the balance of my time to close.

☐ 1730

Mr. MORAN of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, with regard to the last speaker, the gentleman from Georgia (Mr. BARR), we did, in fact, have a hearing on this issue. It was an enlightening hearing. It was not conclusive, in my opinion, because we had statements from such people as the administrative law judge for the Food and Drug Administration that after studying the issue for a couple of years determined that marijuana was not as harmful as it has been described, although obviously tobacco is harmful, too, and it certainly is as harmful as tobacco, but they did, in fact, say it had some therapeutic effect. I did not know that.

There are a lot of things that came out that were new to me, and I am sure would be new to a lot of people if there was a hearing, if we had all the facts out on the table, but we have not had that kind of a hearing because we are nowhere near making the medicinal use of marijuana legal for the rest of the country.

In fact, even though 6 States passed referenda, they do not implement it because the Federal law prohibits them. That would be the case in the District of Columbia. They would be treated the same way as 6 other States in the Nation, big States, important States, including California, Oregon, Arizona, Colorado, lots of important States; did not hear their constituents speaking up against their ability to have a referenda.

The needle exchange program, obviously controversial issue, difficult to discuss, like the abortion issue, but we have some very serious problems. More young adults die from HIV infection in the District of Columbia than from any other single cause. Yet, it is the principal cause, in fact, of transmission of AIDS to children, dirty needles. So the Whitman-Walker Clinic, private clinic, wants to be able to offer free needles so they can offer drug treatment and counseling to addicts. They need to be able to bring them in to the system, to try to save their lives.

In fact, every scientific study has concluded that the use of free needles does not increase the prevalence of AIDS and it does not increase the use of illegal drugs, every scientific study, but we are not asking to make that Federal law. In fact, we are suggesting, let us prohibit the use of all public funds for needle exchange programs.

Now, is that reasonable? Well, this body has decided on prior occasions that it is reasonable. The Labor Health and Human Services bill has that very same language. The Senate says it is okay to have needle exchange programs if the secretary certifies that it does not increase the use of illegal drugs and that it does not increase the prevalence of AIDS, the incidents of AIDS. That is a compromise. That is in this Labor Health and Human Services bill. We are just asking for the same language.

In other words, we are only asking that the citizens of the District of Columbia, Mr. Speaker, be treated as the citizens of every other State of the Union. We are asking for nothing more, but nothing less, and that is the problem with this bill. That is the problem with all those riders.

Imagine if a Member got up and offered legislation that prohibited a local jurisdiction in their district from using local property tax money for legal pursuits that their Commonwealth attorney or State attorney or whatever, or city attorney, might choose to pursue. That is all that is involved with this voting rights issue. All that the gentlewoman from the District of Columbia (Ms. NORTON) wants is for the D.C. corporation counsel to be able to advise the D.C. city council on the status of legislation directly affecting the city and demanded by their constituents.

All the language would say, that we have offered as a compromise, make sure no Federal funds are involved but let D.C. use its own money for that purpose. It is not much money. It is pennies, relative pennies, because a private law firm is doing the work. So all it does is to allow the D.C. corporation counsel to report to the D.C. city council on the status of the legislation. Big deal, and yet that is so threatening we cannot let D.C. do that? My gosh, it is not fair; it is not right.

Now, all of these suggestions have been made that this is really about the President wanting some kind of liberal drug agenda? Baloney. The President has not proposed any of that legislation. The President, in fact his professionals, the people he has appointed, have opposed needle exchanges, have opposed legalization of marijuana. Rightly or wrongly, they are on record opposing it. All the President wants is that the citizens of the District of Columbia be treated like the rest of his constituency, because he knows it is not fair to single out D.C. and to treat them in a punitive fashion and to strip them of their right to govern themselves with their own money. That is all this is all about. That is the only reason the President acted as he did in vetoing the bill.

In fact, we offered legislation, we offered a compromise, we probably went much too far, the gentleman from Wisconsin (Mr. OBEY) and myself and the gentlewoman from the District of Columbia (Ms. NORTON). We went further than we had any authority but we suggested, okay, let us just deal with the Voting Rights Act and we will do what we can do to get this bill passed. That, when it was rejected, made it clear that the real objection is not about drugs or about some kind of liberal agenda. The real objection is that the majority in this body apparently wants the right to punish, to treat D.C. citizens differently than they would treat their own residents. That can be the only conclusion.

We have not asked for anything unreasonable on any of these issues, and I do not think the President acted unreasonably either when he vetoed the bill, for the reasons that he vetoed the bill.

Now, Mr. Speaker, let me suggest that there may be still hope. I hope when we go to conference, even though we will be compelled to vote against this bill, we can still get a bill out of conference that resembles the House bill when it was first passed by the House that reflected the spirit of compromise in the House Committee on Appropriations.

If we can get that kind of a bill, then we are on board; then we have acted responsibly towards the citizens of the District of Columbia. Then we know we have fulfilled our responsibility as Federal legislators.

Mr. ISTOOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. PORTMAN).

(Mr. PORTMAN asked and was given permission to revise and extend his remarks.)

Mr. PORTMAN. Mr. Speaker, I rise in support of this bill and its cutting edge drug treatment testing and other anti-drug provisions.

Mr. Speaker, I rise today in support of the District of Columbia Appropriations legislation. I'd like to begin by commending the subcommittee, its Chairman (Mr. ISTOOK) and the full committee for their work on this important legislation.

As co-chairman of the Speaker's Working Group for a Drug-Free America, I'd like to focus my comments on the provisions of this legislation that are of particular interest to the drug prevention and education community.

Substance abuse contributes directly to many of our most difficult social problems—violence, child and spousal abuse, homelessness, robbery, theft and vandalism. And I'm pleased to say that this legislation contains some very important provisions to curb the problem of substance abuse here in our nation's capital—that could become a model for other communities around the country.

DRUG TESTING FOR PRISONERS AND PAROLEES

This legislation contains funding for drug testing of prisoners and parolees in the District of Columbia prison system. This is an important step, and I commend Chairman Istook for pushing hard for it.

Today, 80% of incarcerated prisoners in this nation were either under the influence or drugs or alcohol, were regular drug users or violated drug and alcohol laws at the time they committed their crimes. In 1996 alone, more than 1.5 million people were arrested for substance abuse-related offenses. As a result, our judicial system is overwhelmed with substance abusers.

You would think, when a criminal is locked up for a drug-related offense, the prison itself would be a drug-free environment and the prisoner would be forced to get drug treatment. But you'd be wrong. In fact, those who go to prison too often don't receive effective treatment to address their addiction—and they tend to wind up right back in the criminal justice system in future.

In fact, nationwide, only 13% of prisoners receive any sort of treatment for their drug problem at all and many of those treatment programs are considered inadequate.

And, instead of breaking the drug habits that underlie so much criminal behavior, our prisons too often fail to address—or sometimes worsen—them for thousands of prisoners and parolees. It's no surprise that, according to statistics from the National Center on Addiction and Substance Abuse, 50% of state parole and probation violators were under the influence of drugs, alcohol or both when they committed their new offense. In other words, these individuals continue to be a menace to society because their drug problems are not addressed behind bars.

There are a number of steps we can take to stop the revolving door of incarceration, parole and re-arrest—including the successful drug courts at the local level that use the threat of prison to get people to address their drug habits through treatment. In fact, a recent Federal Bureau of Prisons study showed that inmates, who receive treatment are 73% less likely to be re-arrested than untreated inmates.

To address this problem, I introduced the Drug-Free Prisons and Jails Act last year, which established a model program for comprehensive substance abuse treatment in the criminal justice system to reduce drug abuse, drug-related crime and the costs associated with incarceration.

And that's why I'm pleased to support the drug testing program in this legislation before us today. By identifying criminals and parolees in the District of Columbia with drug addiction problems, we will help to reduce crime in our nation's capital—and we will stop the costly revolving door of drug addiction and incarceration in the DC prison system.

MEDICAL MARIJUANA

Let me touch on two other provisions of this legislation that are important to the anti-drug community. First—the so-called ''medical marijuana'' ballot initiative.

I am very skeptical about the recent spate of ballot initiatives that seek to legalize the use of marijuana for medicinal purposes. The federal Food, Drug and Cosmetic Act—which created the FDA—specifically states that only the federal government has the authority to approve drugs for medical use. If a street drug like marijuana were to be studied for legitimate medical uses, FDA would regulate it as an investigational drug. FDA has not chosen to do so with marijuana, and the notion that states or the District of Columbia can choose to ''opt out'' of FDA regulation and approve drugs for use on their own strikes me as a threat to public health and safety.

We don't allow states or localities to opt out of Federal Aviation Administration regulations. We don't allow states or localities to opt out of OSHA regulations. And we should not allow state or local ballot initiatives to take the regulatory authority over the use of drugs out of the hands of the FDA.

I am even more skeptical about ''medical marijuana'' after reviewing the conclusions of the recent Institutes of Medicine report: Marijuana and Medicine: ''Assessing the Science Base,'' which made it very clear that smoked marijuana is absolutely not beneficial as medicine.

The continued public debate over what, if any, medical benefits some chemical compounds found in marijuana may have makes it harder to convince our kids that drug use ends dreams and ruins lives. Every day, parents, teachers and community leaders confirm our worst fears about teenage drug use—not only has the overall number of kids trying drugs doubled since 1992, but they are using drugs in greater amounts, more frequently, and at younger ages. Recent studies indicate that 8–10% of our kids are currently or will become addicts. It's a national disgrace.

We know what works: Nothing is as important to turning around this trend than a powerful, unequivocal and consistent message from Washington, from our statehouses, from our courthouses, from our schools, our places of worship and our homes that drug use is wrong and dangerous. These ballot initiatives send the wrong message to the very kids who should hear that drug use is wrong and dangerous—period.

NEEDLE EXCHANGE

Finally, on the issue of needle exchange—I am pleased that this legislation takes steps to prohibit the use of federal funds for needle exchange programs.

Clearly, HIV transmission is a major public health issue—and no one disputes that needle sharing among IV drug users is a major source of HIV transmission.

The question is how best to respond to this problem. Do we simply give addicts clean needles and hope that they engage in ''safe'' drug usage? The Clinton Administration thinks so. We believe the answer is to address the underlying behavior—the drug use. And we are backed by strong scientific evidence.

Needle Exchange Programs Don't Work: A 1993 Centers for Disease Control study conducted by the University of California reviewed the impact of needle exchange programs on HIV infection rates—and found no difference in HIV infection rates between those participating in needle exchange and those who did not.

A 1996 study in Vancouver of more than 1000 IV drug users who visited needle exchanges showed that 40% of the group still borrowed needles and 18.6% of the group became infected with HIV during the test period.

And a 1997 Montreal study found that addicts who participated in needle exchange programs were more than twice as likely to become infected with HIV as those who didn't.

Why? (1) Addiction is a consuming habit, and hard-core addicts are more focused on getting their next ''hit'' than using clean needles;

(2) Needle exchange overlooks the core behavior—drug abuse—that causes people to engage in risky behavior, including risky sexual behavior that increases the chances of HIV infection. A recent University of Pennsylvania study found that overdoses, homicide, heart disease, kidney failure, liver disease, and suicide are far more likely causes of death for addicts than HIV; and

(3) Needle exchange advocates argue that they're protecting not just the addict but also that person's needle exchange and/or sexual partners—but overlook the amount of violent crime caused by drug addicts.

Mr. Speaker, I think it is necessary that this legislation bar the use of federal funds to support needle exchange in the District of Columbia. The siren song of needle exchange—that we can have safe drug use without negative social consequences—is fundamentally flawed. We need to focus on the real solution—getting the addicts into treatment so they change their risky behavior—and stop wasting taxpayer dollars on programs whose alleged benefits are highly questionable.

I urge my colleagues to support this appropriations bill that contains these important anti-drug provisions, and I yield back the balance of my time.

Mr. ISTOOK. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MICA).

(Mr. MICA asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. MICA. Mr. Speaker, I submit for the RECORD an article entitled ''Needle Exchange Programs Have Not Proven to Prevent HIV/AIDS.''

[From Drug Watch International]

NEEDLE EXCHANGE PROGRAMS: 1998 REPORT

(By Janet D. Lapey, MD)

NEEDLE EXCHANGE PROGRAMS HAVE NOT BEEN PROVEN TO PREVENT HIV/AIDS

Outreach/education programs have been shown to be very effective in preventing HIV/

AIDS. For instance, a Chicago study showed that HIV seroconversion rates fell from 8.4 to 2.4 per 100 person-years, a drop of 71%, in IV drug addicts through outreach/education alone without provision of needles. Needle exchange programs (NEPs) add needle provision to such programs. Therefore, in order to prove that the needle component of a program is beneficial, NEPs must be compared to outreach/education programs which do not dispense needles. This point was made in a Montreal study which stated, ''We caution against trying to prove directly the causal relation between NEP use and reduction in HIV incidence. Evaluating the effect of NEPs per se without accounting for other interventions and changes over time in the dynamics of the epidemic may prove to be a perilous exercise. The authors conclude, ''Observational epidemiological studies . . . are yet to provide unequivocal evidence of benefit for NEPs.'' An example of this failure to control for variables is a NEP study in The Lancet which compared HIV prevalence in different cities but did not compare differences in outreach/education and/or treatment facilities.

Furthermore, recent studies of Needle Exchange Programs show a marked increase in AIDS. A 1997 Vancouver study reported that when their NEP started in 1988, HIV prevalence in IV drug addicts was only 1–2%, now it is 23%. HIV seroconversion rate in addicts (92% of whom have used the NEP) is now 18.6 per 100 person-years. Vancouver, with a population of 450,000, has the largest NEP in North America, providing over 2 million needles per year. However, a very high rate of needle sharing still occurs. The study found that 40% of HIV-positive addicts had lent their used syringe in the previous 6 months, and 39% of HIV-negative addicts had borrowed a used syringe in the previous 6 months. Heroin use has also risen as will be described below. Ironically, the Vancouver NEP was highly praised in a 1993 study sponsored by the Centers for Disease Control.

The Vancouver study corroborates a previous Chicago study which also demonstrated that their NEP did not reduce needle-sharing and other risky injecting behavior among participants. The Chicago study found that 39% of program participants shared syringes vs 38% of non-participants; 39% of program participants ''handed off'' dirty needles vs 38% of non-participants; and 68% of program participants displayed injecting risks vs 66% of non-participants.

A Montreal study showed that IV addicts who used the NEP were more than twice as likely to become infected with HIV as IV addicts who did not use the NEP.vii(7) There was an HIV seroconversion rate of 7.9 per 100 person years among those who attended the needle program, and a rate of 3.1 per 100 person-years among those who did not. The data was collected from 1988–1995 with 974 subjects involved in the seroconversion analysis.

Mr. ISTOOK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish we were here just talking, as the gentleman from Virginia (Mr. MORAN) was just mentioning, just about this lawsuit, which is frankly already in court and the District of Columbia says we want the right to pay the attorneys for the work they are doing for free.

In fact, realizing that it is a highly symbolic issue, both with D.C. and some other Members of Congress, I sought to craft a compromise and get the House conferees to support a compromise in the earlier conference but was not successful. That is symbolism. When it comes to drugs, it is not symbolic, it is reality. If someone's kid is using drugs, that is reality, and it does not get any deeper than that.

This bill has language that says, the District of Columbia cannot have laws that differ from the laws of the land. We are all bound by them.

We are bound by article 1, Section 8, that gives us the responsibility for D.C. we do not have for any place else in the country. The Constitution, article 1, Section 8, says it is the Congress of the United States that has exclusive legislative authority over the District of Columbia.

Now, in other places we are only in charge of enforcing the Federal laws. If California or Arizona, anyplace, puts a law on the books we still make sure the Federal laws on marijuana and other drugs are still being enforced and we are making sure of that, but we do not have the ability about what the laws say. Here in D.C., we do. We are responsible if D.C.'s laws are bad. The Constitution says we are responsible, and if I am responsible I want to do the right thing.

The President of the United States, do not give me this business about saying the President of the United States does not want to legalize marijuana. Read the veto message he sent to us on this bill. He vetoed it because it prohibits the district from legislating with respect to certain controlled substances, controlled substances, drugs, marijuana. The only thing pending, of course, was the marijuana initiative.

The President vetoed the bill and told us it was because we would not let D.C. legalize marijuana, and we should not.

It is our responsibility. The police chief here in Washington, D.C. is not fooled. He has told the public, it will lead to more drug trafficking and abuse and more drug-related crime and violence in our neighborhoods.

If this bill is voted against, it is a vote to legalize drugs in Washington. I urge a yes vote.

Ms. STABENOW. Mr. Speaker, I rise today to oppose this legislation an to make clear my reasons for doing so. I want to make it perfectly clear at the outset that I do not support the legalization of marijuana or any reduction in penalties for Class One drugs. I was pleased when Mr. BARR'S amendment affirming this principle passed unanimously during House consideration of the initial D.C. Appropriations bill. In fact, I voted for this bill with that provision included when the House overwhelmingly approved the initial bill in July to keep the legislative process moving forward.

Mr. Speaker, I am opposed to this bill because it continues to broach the concept of local control for the District of Columbia, prohibiting the use of District and private funds on a host of matters, including the pursuit of voting rights in Congress for the citizens of the District. Furthermore, the process by which this bill has reached the floor has been flawed. The Republicans have not negotiated on these issues in good faith, and have not adequately worked with Representative NORTON. I know that we can reach agreement on a bill that maintains a strong prohibition on the legalization of all Class One drugs, if the majority will simply reach across the aisle. I hope this happens soon.

Mr. SANDLIN. Mr. Speaker, I intend to cast my vote today against the D.C. Appropriations Conference Report. I will vote against this bill not because I disagree with provisions banning the use of funds for needle exchange programs—I voted for the amendment adding this language to the House bill when it was passed by this body back in July. I am also strongly opposed to the use of marijuana for any purpose. I support these restrictions, and they are not the reasons for my concern.

I am, however, opposed to this bill because it deprives the people of the District of Columbia of their right to pursue legal recourse on voting rights. It effectively ties their hands, preventing them from using even their own money to address this issue in court.

Ms. Speaker, I do not believe that Congress has the right to dictate to the District, or to any other locality for that matter, how it should use its own money. Most of us agree that Congress should not tell cities across the country how they should use their own tax money; why should the District of Columbia be any different?

Mr. HAYES. Mr. Speaker, I spent a considerable amount of time last week touring the flood ravaged farms of eastern North Carolina.

And what the people of North Carolina cannot understand, is how the President can advocate policies that legalize marijuana and reward junkies with free needles, while at the same time, pledging to use the resources of the federal government to wipe out tobacco farmers with a federal lawsuit.

Mr. Speaker, this policy says, if you want to smoke pot—okay; if you're a junkie and you need another needle to shoot up—come on down and the government will give it to you.

But if you want to plant an acre of tobacco, you are public enemy number one and we are going to get you.

Mr. Speaker, this is obviously wrong, and it shows how far off track our government has fallen.

Mr. Speaker, I urge my colleagues to do what is right and take a stand against this ridiculous policy by voting for this bill.

Ms. PELOSI. Mr. Speaker, I rise in opposition to the second Conference Agreement on the District of Columbia Appropriations bill. This legislation is dangerous to the residents of the District—it prevents the use of federal or local funds for life saving needle exchange programs; prohibits the use of funds to provide medicinal marijuana; and forbids implementation of a Domestic Partners program that would extend health insurance coverage in the District.

Needle exchange must be part of the District's response to the growing AIDS epidemic. AIDS is the third leading cause of death in Washington, and last year more than a third of all AIDS cases where related to intravenous drug use. One half of all AIDS cases in children are the result of injection drug use by one or both parents.

In the district I represent, we have eliminated cases of perinatal HIV transmission through needle exchange programs and outreach to pregnant women. The leading scientists in our country have concluded that needle exchange programs reduce the spread of HIV and do not encourage drug use. We

must allow public health officials in the District of Columbia to follow the advice of leading government scientists in order to save the lives of children.

Congress should also not prohibit the medicinal use of marijuana. The Institute of Medicine has issued a report commissioned by the Office of National Drug Control Policy. The IOM study found that marijuana is, ''potentially effective in treating pain, nausea, the anorexia of AIDS wasting, and other symptoms.'' the American Academy of Family Physicians, the American Preventive Medical Association, and the American Public Health Association all support access to marijuana for medicinal purposes.

The District has prepared a balanced budget which cuts taxes and meets the needs of its citizens. It has a new management-oriented administration and is making progress on education and other local priorities.

Congress must stop trampling on the rights of District voters, residents, and tax payers. Congress must stop preventing the District from saving lives and fighting the devastating AIDS epidemic by following the guidance of leading government scientists.

I urge my colleagues to vote ''no'' on this bill.

Mr. CUNNINGHAM. Mr. Speaker, I rise in support of this bill. It continues our program of restoring Washington, D.C., to its rightful place as a world capital, putting further into history the city's problems borne of decades of neglect. Very simply, this bill adopts the City's budget. It keeps expanding and improving educational opportunity for citizens of the District. It helps restore the waterways and waterfronts of our Nation's Capital, so that they can be something all Americans can be proud of. And it is fiscally responsible, keeping its books in balance.

As the House goes to conference with the Senate for a second time on this measure, I hope that we will continue to work to make this the best possible legislation—in the interest of improving our nation's capital city for this generation and the next, and in the interest of our commitment to constitutional home rule.

For example, the measure provides for an infrastructure fund requested by the City. Recently, representatives of the City provided the Subcommittee its recommended allocation for the use of these funds. This allocation was developed by the Mayor's office, in consultation with the City Council. In light of the City's request to allocate these funds, I hope that the Conference Committee will see fit to adopt the entire recommended allocation as part of a conference agreement on the District budget, rather than the more limited list provided in this bill.

Secondly, one of the most important issues that this bill addresses is the reform of how the City handles leases of real property. There simply needs to be a predictable, orderly process for the development and execution of these leases, where the Mayor and the City Council each have clearly defined roles that move an accountable and transparent process forward. The provisions included in this bill go a long way toward providing that kind of clarification. I urge the Conference Committee to continue working with the City so that, when these provisions are enacted into law, there is no longer unnecessary confusion between the appropriate roles of the City's executive and legislative branches of government with regard to lease negotiations.

Again, I thank Chairman ISTOOK for his work on this legislation.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 330, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 211, nays 205, not voting 18, as follows:

[Roll No. 504]

YEAS—211

Aderholt	Gilman	Nussle
Archer	Goode	Ose
Armey	Goodlatte	Oxley
Bachus	Goodling	Packard
Baker	Goss	Pease
Ballenger	Graham	Peterson (PA)
Barcia	Granger	Petri
Barr	Green (WI)	Phelps
Barrett (NE)	Greenwood	Pickering
Bartlett	Gutknecht	Pitts
Barton	Hansen	Pombo
Bass	Hastert	Porter
Bateman	Hastings (WA)	Portman
Bereuter	Hayes	Pryce (OH)
Biggert	Hayworth	Quinn
Bilbray	Herger	Radanovich
Bilirakis	Hill (MT)	Ramstad
Bliley	Hilleary	Regula
Blunt	Hobson	Reynolds
Boehlert	Hoekstra	Riley
Boehner	Horn	Rogan
Bonilla	Hostettler	Rogers
Bono	Houghton	Rohrabacher
Brady (TX)	Hulshof	Ros-Lehtinen
Bryant	Hunter	Royce
Burr	Hutchinson	Ryan (WI)
Burton	Hyde	Ryun (KS)
Callahan	Isakson	Sanford
Calvert	Istook	Saxton
Camp	Jenkins	Sensenbrenner
Canady	Johnson (CT)	Sessions
Cannon	Johnson, Sam	Shaw
Castle	Jones (NC)	Shays
Chabot	Kasich	Sherwood
Chambliss	Kelly	Shimkus
Coble	King (NY)	Shows
Coburn	Knollenberg	Shuster
Collins	Kolbe	Simpson
Combest	Kuykendall	Skeen
Cooksey	LaFalce	Smith (MI)
Crane	LaHood	Smith (NJ)
Cubin	Largent	Smith (TX)
Cunningham	Latham	Souder
Davis (VA)	LaTourette	Spence
Deal	Lazio	Stearns
DeLay	Leach	Stump
DeMint	Lewis (CA)	Sununu
Diaz-Balart	Lewis (KY)	Sweeney
Dickey	Linder	Talent
Doolittle	LoBiondo	Tancredo
Dreier	Lucas (KY)	Tauzin
Dunn	Lucas (OK)	Taylor (NC)
Ehlers	Manzullo	Terry
Ehrlich	McCollum	Thomas
Emerson	McCrery	Thornberry
English	McHugh	Thune
Everett	McInnis	Tiahrt
Ewing	McIntyre	Toomey
Fletcher	McKeon	Traficant
Foley	Metcalf	Upton
Fowler	Mica	Vitter
Franks (NJ)	Miller (FL)	Walden
Frelinghuysen	Miller, Gary	Walsh
Gallegly	Moran (KS)	Wamp
Ganske	Myrick	Watkins
Gekas	Nethercutt	Watts (OK)
Gibbons	Ney	Weldon (FL)
Gilchrest	Northup	Weller
Gillmor	Norwood	Wicker
		Wilson
		Wolf
		Young (FL)

NAYS—205

Abercrombie	Gordon	Obey
Allen	Gutierrez	Olver
Andrews	Hall (OH)	Ortiz
Baird	Hall (TX)	Owens
Baldacci	Hastings (FL)	Pallone
Baldwin	Hefley	Pascrell
Barrett (WI)	Hill (IN)	Pastor
Becerra	Hilliard	Payne
Bentsen	Hinchey	Pelosi
Berkley	Hinojosa	Peterson (MN)
Berman	Hoeffel	Pickett
Berry	Holden	Pomeroy
Bishop	Holt	Price (NC)
Blagojevich	Hooley	Rahall
Blumenauer	Hoyer	Rangel
Bonior	Inslee	Reyes
Borski	Jackson (IL)	Rivers
Boswell	Jackson-Lee (TX)	Rodriguez
Boucher	Johnson, E. B.	Roemer
Boyd	Jones (OH)	Rothman
Brady (PA)	Kanjorski	Roukema
Brown (FL)	Kaptur	Roybal-Allard
Brown (OH)	Kennedy	Rush
Campbell	Kildee	Sabo
Capps	Kilpatrick	Salmon
Capuano	Kind (WI)	Sanchez
Cardin	Kleczka	Sandlin
Chenoweth-Hage	Klink	Sawyer
Clayton	Kucinich	Schaffer
Clement	Lampson	Schakowsky
Clyburn	Lantos	Scott
Condit	Larson	Serrano
Conyers	Lee	Shadegg
Costello	Levin	Sherman
Coyne	Lewis (GA)	Sisisky
Cramer	Lipinski	Skelton
Crowley	Lowey	Slaughter
Cummings	Luther	Smith (WA)
Danner	Maloney (CT)	Snyder
Davis (FL)	Maloney (NY)	Spratt
Davis (IL)	Markey	Stabenow
DeFazio	Martinez	Stark
DeGette	Mascara	Stenholm
Delahunt	Matsui	Strickland
DeLauro	McCarthy (MO)	Stupak
Deutsch	McCarthy (NY)	Tanner
Dicks	McDermott	Tauscher
Dingell	McGovern	Taylor (MS)
Dixon	McKinney	Thompson (CA)
Doggett	Meehan	Thompson (MS)
Dooley	Meek (FL)	Thurman
Doyle	Meeks (NY)	Tierney
Duncan	Menendez	Towns
Edwards	Millender-McDonald	Turner
Engel	Miller, George	Udall (CO)
Eshoo	Minge	Udall (NM)
Etheridge	Mink	Velazquez
Evans	Moakley	Vento
Farr	Mollohan	Visclosky
Fattah	Moore	Waters
Filner	Moran (VA)	Watt (NC)
Forbes	Morella	Waxman
Ford	Murtha	Weiner
Fossella	Nadler	Wexler
Frank (MA)	Napolitano	Weygand
Frost	Neal	Wise
Gejdenson	Oberstar	Woolsey
Gephardt		Wu
Gonzalez		Wynn

NOT VOTING—18

Ackerman	Green (TX)	McNulty
Buyer	Jefferson	Paul
Carson	John	Sanders
Clay	Kingston	Scarborough
Cook	Lofgren	Weldon (PA)
Cox	McIntosh	Young (AK)

□ 1805

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD during the vote). A few minutes ago, the Chair noted a disturbance in the gallery in contravention of the law and Rules of the House. The Sergeant at Arms removed those persons responsible for the disturbance and restored order to the gallery.

Mr. MASCARA changed his vote from ''yea to ''nay.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the report of the Committee of Conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2561) ''An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1275 AND H.R. 1304

Mr. COBURN. Mr. Speaker, I ask unanimous consent to remove my name from H.R. 1275 and H.R. 1304.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2670, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND OTHER RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. COBURN. Mr. Speaker, pursuant to clause 7(c) of Rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2670, the Commerce, Justice, State appropriations bill. The form of the motion is as follows:

Mr. COBURN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2670 be instructed to agree, to the extent within the scope of the conference, to provisions that—

(1) reduce nonessential spending in programs within the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies;

(2) reduce spending on international organizations, in particular, in order to honor the commitment of the Congress to protect Social Security; and

(3) do not increase overall spending to a level that exceeds the higher of the House bill or the Senate amendment.

APPOINTMENT OF CONFEREES ON H.R. 1000, AVIATION INVESTMENT AND REFORM ACT FOR THE 21ST CENTURY

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1000) to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania? The Chair hears none and, without objection, appoints the following conferees:

Messrs. SHUSTER, YOUNG of Alaska, PETRI, DUNCAN, EWING, HORN, QUINN, EHLERS, BASS, PEASE, SWEENEY, OBERSTAR, RAHALL, LIPINSKI, DEFAZIO, COSTELLO, and Ms. DANNER, Ms. EDDIE BERNICE-JOHNSON of Texas, Ms. MILLENDER-MCDONALD, and Mr. BOSWELL;

From the Committee on the Budget, for consideration of title IX and title X of the House bill, and modifications committed to conference:

Messrs. CHAMBLISS, SHAYS, and SPRATT;

From the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference:

Messrs. ARCHER, CRANE, and RANGEL;

From the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference:

Mr. SENSENBRENNER, Mrs. MORELLA, and Mr. HALL of Texas.

There was no objection.

PERMISSION TO HAVE UNTIL MIDNIGHT, FRIDAY, OCTOBER 15, 1999, TO FILE CONFERENCE REPORT ON H.R. 2466, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2000

Mr. REGULA. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight, Friday, October 15, 1999, to file a conference report on the bill (H.R. 2466) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2000, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I yield to the gentleman from Texas (Mr. ARMEY) the majority leader for the purposes of inquiring as to the schedule for the rest of the day and week and for the following week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am pleased to announce that we have completed the legislative business for the week.

On Monday, October 18, the House will meet at 12:30 p.m. for morning hour debate and at 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday we do not expect recorded votes until 6 o'clock p.m.

On Tuesday, October 19, through Friday, October 22, the House will take up the following measures, all of which will be subject to rules:

H.R. 2, the Student Results Act; H.R. 2260, the Pain Relief Promotion Act of 1999; H.R. 2300, Academic Achievement For All Act; and H.R. 1180, Work Incentives Improvement Act.

Mr. Speaker, there should also be a number of appropriations conference reports ready for consideration in the House throughout the week, and the House will likely take up a continuing resolution at some point next week.

Mr. Speaker, I would like to wish my colleagues a safe travel to their weekend work period and look forward to seeing them all again on Monday.

Mr. BONIOR. Mr. Speaker, reclaiming my time, I thank my colleague for his comments.

If he could help us with which appropriation conference report he expects to reach the floor next week, I am interested specifically in the Interior bill, but any others that he might be able to enlighten us on.

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, we have just seen the gentleman from Ohio (Mr. REGULA), the Chairman of the Appropriations Subcommittee on Interior, ask for permission to file. We would expect that next week.

We would also expect Commerce, Justice, State.

Mr. BONIOR. Mr. Speaker, can the gentleman give us a date on the Interior bill? It will not be Monday?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, no, it will not be Monday.

Mr. BONIOR. Mr. Speaker, and what about late night sessions next week? Any evenings?

Mr. ARMEY. Mr. Speaker, I can only tell my colleague my best judgment is we should all be prepared to work late perhaps every night next week. We may not necessarily work late on each night, but I cannot tell my colleague which nights we might.

As soon as we have the conference reports and are able to move them, we will do so. I will just try to keep Members advised as the days go on.

Mr. BONIOR. Mr. Speaker, on the HMO bill that was passed by what I consider a very large margin last week, when will conferees be appointed for this bill?

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, the Speaker plans to make those appointments next week.

Mr. BONIOR. Mr. Speaker, and then finally, I would ask my friend the gentleman from Texas (Mr. ARMEY) and point out to him that he undoubtedly understands that people all over the country have gotten raises recently. The military and the latest defense bill that we passed today will get a raise.

Our civilian population will get a raise. Members of this body will get a raise at the beginning of the next year. And yet, we still have 12 million Americans out there who are making the minimum wage.

I would respectfully ask when the gentleman from Texas (Mr. ARMEY) expects to bring the minimum wage bill to the floor?

Mr. ARMEY. Mr. Speaker, if the gentleman would continue to yield, I appreciate the manner in which the gentleman put the question, I supposed designed to get a rise out of me.

But we do appreciate the work that the gentleman is concerned about. We have many Members working on it. That work I think is coming together. We do not have a scheduling announcement now, but we are well aware of the fact that many Members are interested in this work and the gentleman should expect that it will most likely be acted on before we leave this session.

Mr. BONIOR. Mr. Speaker, can the gentleman define ''most likely'' for us? Are we talking 50 percent, 75 percent, 90 percent here?

Mr. ARMEY. Mr. Speaker, I would like to be able to. I can just tell my colleague my sense is that there is a lot of interest on both sides of the aisle in this matter and we know a lot of people are working on it.

I can just tell the gentleman I think he has a good expectation of that work finding its way to the floor before the session is over.

Mr. BONIOR. Mr. Speaker, I thank my friend for his comments and hope he has a good weekend.

ADJOURNMENT TO MONDAY, OCTOBER 18, 1999

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 1815

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCING HOUSE RESOLUTION COMMEMORATING AND ACKNOWLEDGING THE SERVICE OF DWIGHT D. EISENHOWER AS GENERAL OF THE ARMY AND PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Kansas. Mr. Speaker, today I am pleased to join with the gentleman from Texas (Mr. HALL) in introducing House Concurrent Resolution 198. It is my honor today to commend a fellow Kansan and the gentleman from Texas commending, I guess, a fellow Texan, Dwight David Eisenhower. Today is the 109th anniversary of the birth of our 34th President. The Kansas legislature recently passed a resolution recognizing today, October 14, that day of each year as Dwight D. Eisenhower Day, an official State observance and an opportunity for schools to teach students about our former President. The resolution encourages museums and schools to develop educational programs for our young people to learn about Eisenhower. The city of Abilene in my district is commencing holding 3 days of celebrations so that people across the State and country may recognize, celebrate and learn more about the life of our most accomplished son.

Today, I am speaking in hopes that we can follow Kansas' lead by encouraging Americans all across the United States to take time to remember, honor and learn about Dwight David Eisenhower.

President Eisenhower's life should be an inspiration to all Americans to work continuously to make this country and this world a better place. Born in Denison, Texas, in the district of the gentleman from Texas (Mr. HALL) and raised in Abilene, Kansas, in the First District of my State, Ike was one of seven sons and grew up in a home of modest means. He became interested in the military at an early age. Following his graduation from Abilene High School in 1909 and a job at the Bell Springs Creamery, young Ike was accepted to the United States Military Academy at West Point, New York, in 1911.

On July 1, 1916, Ike married Miss Mamie Geneva Doud of Denver, Colorado. The Eisenhowers had two sons, Doud Dwight who died in infancy and John Sheldon Doud who followed his father into national service, is now a retired brigadier general in the Army Reserves, a former U.S. ambassador to Belgium and one of our Nation's leading military historians.

In 1935, Ike assumed the rank of captain and accompanied General Douglas MacArthur to the Philippines, serving as a senior military assistant to the Philippine government. After an impressive series of promotions, Mr. Eisenhower was appointed the supreme commander of the Allied forces in December 1943. On June 6, 1944, the day now known simply as D-Day, Ike commanded Operation Overlord, leading the invasion of Normandy which led to the successful liberation of France and the ultimate defeat of Nazi Germany.

On November 19, 1945, Eisenhower was designated as chief of staff for the U.S. Army, and in 1947 he became President of Colombia University in New York City. Upon hearing the call of his country, Ike returned to service and was named supreme allied commander of the North Atlantic Treaty Organization where he served until May of 1952.

That year, Eisenhower returned to his hometown of Abilene, Kansas, to announce his candidacy for President of the United States. Ike served two terms as President, from January 20, 1953 to January 20, 1961. As President, Ike saw the end of the Korean War, and the entry of Alaska and Hawaii into the union. Upon signing the Civil Rights Act of 1957, Ike helped desegregate public schools as well as the U.S. military claiming, ''There must be no second class citizens in this country.'' As his civil rights policies changed the course of history, so did his establishment of the Federal interstate highway system. As the Eisenhower highway system connects the States, Eisenhower was instrumental in connecting us to space by signing the bill which created the National Aeronautics and Space Administration.

Clearly, Eisenhower had a profound effect on the course of mankind. This past March marked the 30th anniversary since Eisenhower's death. He died on March 28, 1969, at the age of 78 and was buried in Abilene, Kansas. Eisenhower's life achievements illustrate to kids that it is possible to aspire to greatness from humble beginnings, to respect those around you, and to take pride in our country. His character teaches parents the importance of instilling values of hard work, determination and honesty in our children. October 14 is a day to reflect on the contributions Dwight D. Eisenhower made to this country over his lifetime. We can all learn from his actions which is why folks in Abilene and in Kansas and all across the country still say, ''I like Ike.''

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

INS NEEDS TO CLEAN UP ITS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Madam Speaker, I do not have to remind this House about the fine work of our border patrol officers. They put their lives at risk every day to slow the flow of illegal drugs into this country and to keep our borders safe from dangerous aliens. We are all thankful to them for their efforts.

Due to the current inept management of the Immigration and Naturalization Service, the INS, the jobs of these officers are made much, much more difficult. Last year, Congress appropriated enough money for the INS to hire and train 1,000 new border patrol agents. The agency has hired nowhere near that number, however, and has resorted to moving agents from our already shorthanded northwestern border to shore up its border patrol offices in Arizona. Nearly 10 percent of the field agents in Washington State have been temporarily assigned to the southern border. That is not what Congress intended. There were supposed to be more agents in Washington State, not less. INS management brags about the new sensor technology that has been developed to detect people who cross our northern border illegally, but what good is the technology if there is no one to catch the people that set off the sensors?

I agree that there are serious problems on the southern border. We all know that. That is why the INS was given so much money for the border patrol last year. INS management needs to do its job and hire more agents, instead of robbing from one shorthanded border to fill out another.

Last week, a Washington State trooper was shot and killed during a routine traffic stop. I feel this very deeply. My brother was a Washington State trooper for over 20 years. The main suspect in this killing is a 28-year-old Mexican national who had already been deported three times. This summer, he was already in jail on a cocaine delivery charge but was able to post bond and be let back out into the community. He should have been detained by the INS after posting bond but he was not because the border patrol agent who should have recognized him was somewhere in Arizona. This is tragic. This is sad. And this never should have happened. The INS needs to clean up its act.

ON INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Madam Speaker, in the few minutes allocated to me this evening, I want to address one of the most significant issues this Congress faces this year, a subject worthy of hours of exploration, discussion and debate: the need to increase the Federal minimum wage.

Madam Speaker, I could talk about how the average American worker now produces about 12 percent more in an hour's work than he or she did in 1989, but, after adjusting for inflation, that worker's wages have only increased 1.9 percent. But time does not permit us to examine this very basic question.

I could talk about how an increase in the minimum wage helps to convert low wage, dead-end jobs into decent jobs with wages to support a family, thereby reducing turnover and building worker loyalty and productivity. But I really do not have the time to do that, either.

We might speak about the role of the minimum wage in creating a truly national labor market and creating a level playing field for working men and women regardless of so-called State right-to-work laws and other anti-union legislation. We could look at the harm and distortions of our economy brought about by our failure to maintain the minimum wage. But that would take much more time than the few moments that I have this evening.

We could talk about how, without an increase, the real value of the minimum wage would fall to $4.90 an hour by the year 2000 according to inflation projections by the Congressional Budget Office.

We could talk about how 59 percent of workers on minimum wage are women and how women desperately need an increase in the minimum wage to rectify growing female wage inequality.

We could talk about how African Americans make up 11.6 percent of the workforce but 15.1 percent of those affected by an increase in the minimum wage. How Hispanics make up 10.6 percent of the workforce but 17.4 percent of those affected by an increase in the minimum wage. We could talk about the need for justice for these working families.

And we could talk about the pain, the anguish, the agony, the frustration of 11.8 million workers, more than 10 percent of the workforce, who live on minimum wage, 504,000 workers in Illinois alone who try and survive on minimum wage dollars. But it would be impossible to adequately describe that pain, that anguish, that agony in just a few minutes.

We could explode the myth, the great bogey man, of those opposed to raising the minimum wage that increases in the minimum wage reduce the number of minimum wage jobs and hurt low-income workers, especially youth. The 1999 Levy Institute survey of small businesses and 60 years of other studies which focus on facts, not tired old dogmas, show, contrary to the common supposition that youth and students are hurt, minimum wage increases actually shift employment to them, especially in the fast food industry. As one commentator said in this regard, ''Our facts trump your theories.''

We could talk about applying minimum wage theories to TANF activities and the positive effects on families and public budgets. Or we could talk about how our big cities, whose population of poverty is some 20 percent as opposed to 8 percent in suburban communities, are forced to bear a huge and disproportionate share of public costs of dealing with poverty, and how even an increase of $1 an hour in the minimum wage would impact that burden.

Census numbers released in September show that while the poverty rates are declining, the number of full-time workers with incomes below the poverty line rose by 459,000 in 1998. The numbers show that more than one in every three black and Hispanic children remain poor. The numbers show that poor families are poorer on average than a few years ago.

Madam Speaker, we could talk for hours, but it is clear that even Sy Plukas knows what all of America knows and demands, that it is only right, it is only justice, it is only fair, it is in the interest of all America, it is essential, it is critical to act now, this month, to raise the minimum wage by at least $1 per hour.

☐ 1830

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Madam Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–373 to reflect $2,480,425,000 in additional new budget authority and $0 in additional outlays for emergencies. This will increase the allocation to the House Committee on Appropriations to $564,314,425,000 in budget authority and $597,532,000,000 in outlays for fiscal year 2000. This will increase the aggregate total to $1,454,763,425,000 in budget authority and $1,434,669,000,000 in outlays for fiscal year 2000.

As reported to the House, H.R. 2684, the conference report accompanying the bill making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and independent agencies for fiscal year 2000, includes $2,480,425,000 in budget authority and $0 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Art Sauer or Jim Bates at x6–7270.

ORDER OF BUSINESS

Mr. FOLEY. Madam Speaker, I ask unanimous consent to claim the time reserved for my special order today. I am on the list for today.

The SPEAKER pro tempore (Mrs. MYRICK). Is there objection to the request of the gentleman from Florida?

There was no objection.

INCREASING FUNDING FOR ALL DISEASES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Madam Speaker, I just wanted to take a moment.

The other night I was quite alarmed because I saw on ABC News 20 20 a piece done by John Stossel regarding the impact of celebrity endorsements and the spending on diseases, and one of the things that came out of that seemed to be a bit of a negative perception of the money we are committing to AIDS funding and how some groups are starting to feel cheated by the Federal funding of their various programs, and I wanted to kind of address that issue because I am quite concerned about it, and I have actually heard about it from some of the groups coming before me to lobby for increases in their various diseases, and I want to suggest to all of the charities and all of the people listening and ask Mr. Stossel to look at his story once again and talk about the need to stay together on issues affecting public health, stay together on increasing funding at the National Institutes for Health for all diseases.

Madam Speaker, let us not single one out and make one a more important disease than the other. Let us not start bemoaning the fact that one may, in fact, have increased spending while others may have not had as much of an increase. Let us talk about AIDS and HIV for the moment because we see an alarming increase in the rate of both transmission among heterosexuals and amongst minorities.

So we clearly know that the AIDS virus and the epidemic is a significant problem, and it is the one disease that can be transmitted. There are others, of course. It is not the only one, but HIV can be transmitted through blood transfusion, through sexual contact, through drug use and through needle exchange.

So we recognize that the public is much more vulnerable to HIV and AIDS and the alarming spread and the increased cost to all taxpayers will, in fact, be exacerbated if we do not deploy the revenue to put forward the research to do what we can to bring a halt or at least to minimize the alarming spread of AIDS.

But I do want to say, as somebody who strongly stands on the floor to find funding for lupus, for Alzheimer's, for breast cancer, prostate cancer, Parkinson's disease, autism, Lou Gehrig's disease, American cancer, American heart and the other things that we all have to fight together, I will continue that fight, but I ask those charities to not dismiss or diminish others who are working hard to find a cure for AIDS.

The gentlewoman from California (Mrs. CAPPS) and I are both on a bill that deals with trying to limit and minimize, if you will, the waiting time on Medicare for those that are stricken by diseases like Parkinson's and Lou Gehrig's. We want to increase that opportunity for those stricken by disease to be able to maintain a quality of life, to be able to get on Medicare earlier, to be able to get access to the proven drugs and the things that may enhance their quality of life and make them healthy and as productive as we possibly can.

But I do not want to start down the road as Mr. Stossel did on ABC News 20 20 by suggesting somehow we should turn our backs on HIV and AIDS and somehow try and re-prioritize.

First, let me make correction of the assumption that was laid out in the piece that somehow we in Congress, Members of Congress, sit here and dictate to NIH where they will spend the money. That is not the case. NIH does their own screening empaneled, does their own determination. It is not influenced by politics.

That is very important. I am certain some of us would love to call up and say I would like some more money for Lou Gehrig's disease, but we cannot do that. That is why it is structured the way it is, so it is not influenced by those of us that may, in fact, be able to make a call.

So again, in all sincerity to all the charities, please, please, please do not come to our offices suggesting somehow that somebody is getting a bigger slice of the pie and that is not fair. Come to our offices and suggest we should all grow the pie to a larger number so we all can pursue meaningful research.

One of the things I am most happy about, if you will, is the fact that we are on the cutting edge of finding the causation of a number of diseases, Alzheimer's and others I have mentioned. We are on the cutting edge of new drug therapies that may, in fact, bring about a healthier quality of life for all Americans, and we are on the cutting edge, as we have noticed, protease inhibitors and others, working miraculously for people suffering from HIV infection.

Madam Speaker, these things are taking hold, they are taking place, and research is bringing us to a point hopefully in the near term, in the very, very short few years away, that we will start seeing some progress on these diseases. We will see an enhanced quality of life for all Americans, but we cannot do it by climbing on the backs of one another.

Again, let us remember to advocate for all, making certain that nobody is left out of the loop, making certain we are looking carefully at all the diseases, making certain we are doing all we can to enhance AIDS funding, and I know a number of my colleagues are joining us in that effort. We have all asked the appropriators to increase NIH, to help the Department of Defense in their work on breast cancer research, so nobody is being left out of the loop.

So again I urge people to disregard some of the stories they see on those issues and continue to work for all Americans who are suffering with us today.

VOICES AGAINST VIOLENCE CONFERENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, I rise this evening in great anticipation of next week's Voices Against Violence Teen Conference. The conference is a unique opportunity for Congress to listen to our Nation's youth. In our efforts to understand our young people and to curtail the violence which surrounds them all too often, we sometimes forget to consult the teenagers themselves. This is a mistake. It is time for us to learn from them.

When applications for this conference were distributed in my district, I thought there would be some interest, but I was simply overwhelmed by the response. It was tough deciding on the three teenagers to send to Washington, so I decided to form a Youth Advisory Council in my district. This council made up of all the applicants will advise the three delegates on their trip to the conference.

Our first Advisory Council meeting was held this past Monday. Students came from across my district, from Paso Robles to Santa Barbara. Some drove for 2 hours to have their opinions and feelings heard. The discussions were riveting and moving. It was fascinating to hear their views on the causes of youth and violence from young people themselves. Family was the focus. More than anything, these students see a strong home environment as the key to happier, better adjusted children and reduced violence.

Young people need to rely on their parents. They need to be able to communicate with their family members. They also cited peer and academic pressures, violence in the media, socioeconomic circumstances and discrimination as root causes of youth violence. Drugs and alcohol are also seen as contributing factors. Gun safety issues and gang pressures are certainly a part of their lives.

We discussed a range of solutions from metal detectors to school counseling to hot lines to recreational programs. Students raised the idea of having closed campuses on their high schools, limiting the ability of students to leave the building throughout the day. I was astounded to hear that some of the students do not think that closed campuses are realistic because they are too crowded.

One described his high school which houses 3100 students although it was built for 1800. I had not really thought of the school construction efforts here in Congress as being linked to school violence, but these students showed me that that link is very much a reality.

In more emotional moments we heard from a brave young woman who talked about her personal and triumphant battle with drugs, a habit which had been spurred on by the drug use and addiction of her parents. Another

young woman recounted the fatal stabbing of her boyfriend on school grounds. She spoke with the deceased young man's mother sitting close by her side.

These are stories that we in Congress must hear and keep with us as we sort out our legislative options.

Madam Speaker, it is time for us to start listening to the students. Their insight can help us to understand the roots of today's violence and what we can do to help them stop it. I am so pleased that I will be able to welcome Cheyrl Villapania from El Puente High School in Santa Barbara, Stacie Pollock from Righetti High School in Santa Maria, and Brandon Tuman from Arroyo Grande High School in San Luis Obispo County. They are going to travel across the country next week to attend our conference, and I also commend their chaperone, Raquel Lopez, from Girls Incorporated in Santa Barbara. These capable young people will be the eyes and ears of our Youth Advisory Council here in Washington D.C. They will bring the concerns of the young people from the 22nd District of California to the conference and then report back to our youth and to our community on what they have accomplished. I am proud of them for taking the initiative, for making their voices heard on issues that are important to them, important to us all.

As important as our work here is in the capital, we know that the real work of reducing violence that surrounds our young people is going to come from within the communities themselves. Voices Against Violence conference is an excellent step in the right direction. I commend the gentleman from Missouri (Mr. GEPHARDT) and his staff for their leadership in organizing this conference. I look forward to welcoming to the capital next week students from the central coast of California and from around the country.

HATE CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, I rise today in support of the Hate Crime Prevention Act, and I strongly urge the Commerce-State-Justice conferees to include this important legislation in their conference report.

Since I was first elected to Congress, I have been focusing on the issues of livable communities, how we can create better partnerships between the Federal Government, State and local governments, private business and individual citizens to make our communities more livable. This means, in sum, communities that are safe, healthy and economically secure. If people are not safe from discrimination, the community is definitely not livable.

I have been a strong supporter of anti-discrimination efforts throughout my public service career. As a member of the Oregon State House of Representatives way back in 1973 I had an eye opening experience when I had the opportunity to chair the legislature's first hearing on the issue of gay rights. The Hate Crimes Prevention Act is an excellent opportunity for the Federal Government to continue a trend over the last 50 years of moving aggressively to deal with issues of anti-discrimination.

Since 1969, the Federal Government has had the ability to prosecute hate crimes if that crime was motivated by bias based on race, religion, national origin or color and if that victim was attempting to exercise a federally protected right. The law has, in fact, proven to be a valuable tool in the fight against hate crimes, but unfortunately these hate crimes are still a part of the American landscape, and sometimes the language of the current federal statute is simply too narrowly drawn. The Hate Crimes Prevention Act would make a critical amendment to the law, removing the requirement that the activity be, quote, federally protected and adds sexual orientation, gender and disability as covered categories.

As I said, there are still hate crimes among us. In 1997 there were over 8,000 that were reported.

I have had the opportunity to witness firsthand that there are real faces attached to those statistics. One of the most searing experiences in our community occurred about 10 years ago when three Ethiopian immigrants were attacked in my hometown of Portland, Oregon, one beaten to death solely because of the color of their skin. I think our hearts all went out to the families of the victims, but there were more victims than the immediate family.

Sadly I was acquainted with a family of one of the people, the skin heads, who were convicted of that murder, a young man who will spend the rest of his life behind bars, tearing up his family, and indeed the whole community was touched with the awful knowledge that something of that nature could occur in our midst.

If we can send clear signals that hate crimes are not acceptable, we can do more than just convict those who are guilty. If with these strong signals we can prevent these horrible crimes from happening in the first place, we will be making our communities more livable.

I hope that my colleagues will join in the cosponsorship of the Hate Crime Prevention Act and that they will all prevail upon the conferees of Commerce-State-Justice to move this important process forward by including the legislation in the conference report.

GOOD NEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I want to share with my colleagues and those who are watching in their offices some incredibly good news that appeared yesterday in many newspapers around the country, USA Today, many of the national newspapers. I know the St. Paul Pioneer Press back in my State carried the story, but it is incredibly good news, and I would like to read just the first paragraph or so.

It says something symbolically enormous may have happened today. The Congressional Budget Office announced that the government may have balanced the budget in fiscal year 1999. Now that is the one we just completed October 1 without spending Social Security money.

☐ 1845

It goes on to say, if so, it would be the first time that that has happened since 1960 when Dwight Eisenhower was President, gentlemen sported fedoras, and women wore fox stoles.

Madam Speaker, this is incredibly good news for all generations. In fact, there were some other things that happened. To put this in perspective, the last time the Federal Government actually balanced the budget without using the Social Security trust funds, Elvis was just getting out of the army and going back to recording. The television show Bonanza was just going on the air. Apples sold for 18 cents a pound. The French company introduced the Renault Dalphine to the American market for about $1,400 per automobile. The minimum wage was $1, and some may even remember that Bill Mazerowski hit a home run in the bottom of the ninth to power the Pittsburgh Pirates to a world series win over the New York Yankees. I might add, and this is what really got my attention, the last time that the Congress and the Federal Government balanced the budget without using Social Security Trust Fund money, the last time that happened was 11 years before Congressman Paul Ryan was born. That really puts this into perspective. This has been a long time. In fact, I would like to say that we have been wandering in the wilderness of growing deficits for 40 years and finally, we have crossed the River Jordan, and I hope that we will not turn back.

Let me just show my colleagues another chart. This is what the Congressional Budget Office told us when I came here just five years ago in 1995. I was elected in 1994. But what they were saying was that in 1994, the Congress borrowed $57 billion from the Social Security Trust Fund, and then it went to $69 billion and then to $73 billion and then to $78 billion, and they were projecting that had the Congress had not gotten serious about controlling the growth in Federal spending and actually balancing the budget, they were projecting by this year we would be borrowing at least $90 billion from the Social Security trust fund. Again I say, this is good news.

Now, we are in a great budget debate right now with the White House in

terms of whether or not we are going to continue on this path. Are we going to balance the budget? Are we going to steal from Social Security? Are we going to raise taxes? In order to get what we think needs to be done in terms of balancing the budget without using Social Security, we really only have three choices. We can raise taxes, and of course the President was out today saying that we need to raise taxes. In fact, he is proposing a tax on cigarettes. Now, I am not a fan of cigarettes, I do not smoke cigarettes, I wish no one smoked cigarettes. But the truth of the matter is that when we raise taxes on cigarettes, it is a very regressive tax. We know who ends up paying those taxes. It generally is people who can least afford to pay additional taxes.

The second option is to steal from Social Security. We have said that is not acceptable. The Democrats here in Congress have said that is not acceptable, and the White House has said that that is not acceptable. But that really leaves us with only one choice and that is to cut spending. We think that the fairest thing would be to cut spending across the board, all departments throughout the Federal bureaucracy. Some people say, well, that cannot be done. We cannot make the Federal Government tighten its belt by one notch. Well, I think those of my colleagues who represent farm districts know that farmers are tightening their belts by not one notch, but by perhaps 10 or 15 notches. So asking the Federal bureaucracy to tighten its belt one notch we believe is fair, is responsible, it is doable, and I think anybody outside of the beltway would agree that there is more than enough fat in the Federal budget to tighten it one percent across the board to make certain that we balance the budget without raising taxes and without raiding the Social Security Trust Fund.

I also want to mention a couple of other things. The President is very quick to spend our money, whether it is in Kosovo or Bosnia or in other places around the world. A couple of days ago, the gentleman from California (Mr. CUNNINGHAM) told us that already his estimates were that the efforts in Bosnia and Kosovo have cost us nearly $16 billion. Now, we did not budget for that. We have had to find other ways to pay for those special expenditures. But balancing the budget without raising taxes and without raiding the Social Security Trust Fund is going to become more and more difficult if the President continues to run a 911 service without the help from our allies.

I would remind all of my colleagues that when President Bush led us into the Gulf War, he got our allies to help pay for it. As a matter of fact, under some of the accounting that I have seen that actually, the net cost to the taxpayers in the United States of the Gulf War was virtually nothing.

So Madam Speaker, I just want to reiterate what great news this is, that for the time, we have balanced the budget in fiscal year 1999 without using the Social Security Trust Fund, and I want to say that it is great news for all generations of Americans: for senior citizens, for baby boomers, and more importantly, for a brighter future for our kids. I hope we stay the course. Let us not raid the Social Security Trust Fund.

FORTY YEARS OF LIBERALISM LEAVES DISTRICT OF COLUMBIA IN SHAMBLES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MICA) is recognized for 5 minutes.

Mr. MICA. Madam Speaker, the House today and this week and for the next number of days will be engaged in a very important debate. That debate is really a totally partisan debate. It is a debate about those who want liberal, big government programs and liberal programs for our government, and then on the other side, there are folks that think that we have too much power, too much spending, too many programs in Washington and that the policy of some 40 years did not, in many instances, work.

This afternoon we had a debate about a policy relating to the District of Columbia. The President has vetoed the District of Columbia appropriations measure. Within that measure and that bill are provisions which would allow liberalization of drug policy for the District of Columbia. That is one of the things that is holding that measure up. Again, a contrast between a liberal policy, wanting to spend more money, and also a liberal drug policy for the District of Columbia versus a conservative approach.

Now, let me tell my colleagues, the other side of the aisle and the liberals tried for 40 years to deal with the District of Columbia, and under the Constitution of the United States, the Congress is charged with that responsibility, and we take that very seriously. Now, when I came to Congress, as I said earlier this afternoon, in 1993, the District of Columbia, after 40 years of liberal Democrat rule, was in shambles. The Nation's Capital was a disgrace. The murder rate exceeded anywhere in the Nation. The schools had the highest per capita and per student expenditures and costs and some of the lowest performances. The hospitals were a joke.

In fact, there was an article in the Washington Post that I have cited a number of times that said you could dial 911 for an emergency for EMS and The Washington Post said you could dial for a pizza and get the pizza served quicker than you could get the EMS in the District. This is what they brought to the Nation's Capital, what should have been the gem of the Nation turned into despair. They had 60,000 employees, almost one in 10 people in the District of Columbia were employed in this massive Federal bureaucracy created under again, liberal Democrat rule. The prisons, as I said, were in such bad shape that the new Republican majority has had to take over control of the prisons and basically disbanned Lorton. And again, deaths, and most of those deaths, drug-related in the District, were in the neighborhood of 500. They were killing them in scores.

Now, just in a few years, in less than five years, this new Republican majority has brought some of these programs under control. We have brought some meaningful reform. They had a job training program here I reported on in the District that spent millions and millions of dollars and not one person trained. We have gotten that program under control. The District was running a surplus, I believe it was two-thirds of a billion dollars; if we check the exact statistics, we will find it was in the hundreds of millions of dollars a year. This Republican Congress, in less than five years, has brought that budget under control. We had to institute a control board and policies to do that.

Now, we are engaged in the same debate about Social Security. Here are the folks that spent, for 40 years, Social Security, all the money in the trust fund, every penny in the trust fund, and on top of that added hundreds of billions of dollars of debt per year. They spent all of the money that should be in the trust fund. All that is in there now are certificates of indebtedness of the United States. And now they are telling us they want to fix it. They have the same liberal policies, liberal drug exchange policies.

I have cited before that Baltimore in 1996 had 39,000 drug addicts, a dramatic increase since they started that program. That is what they want here. And the latest statistics are it is close to 60,000, or one in eight of the population in Baltimore under this liberal policy of needle exchanges is now a drug addict in Baltimore. A disgrace. But they want to take their model and impose it on the District of Columbia.

I do not care if there are 1,000 vetoes by the President. This is our charge and this is our responsibility, and we should not let what happened in a liberal venue happen in our Nation's Capital.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN of Texas (at the request of Mr. GEPHARDT) for today on account of official business.

Ms. CARSON (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and the balance of the week on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, on October 15.

Mr. FOLEY, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. MICA, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2561. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On October 13, 1999:

H.R. 560. To designate the Federal building and United States courthouse located at the intersection of Comercio and San Justo Streets, in San Juan, Puerto Rico, as the ''Jose V. Toledo Federal Building and United States Courthouse''.

H.R. 1906. Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2000, and for other purposes.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 57 minutes p.m.), under its previous order, the House adjourned until Monday October 18, 1999, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4772. A letter from the President and Chairman, Export-Import Bank, transmitting transaction involving U.S. exports to the Kingdom of Thailand; to the Committee on Banking and Financial Services.

4773. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Management Official Interlocks (RIN: 3064–AC08) received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

4774. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Acid Rain Program-Nitrogen Oxides Emission Reduction Program, Rule Revision in Response to Court Remand [FRL–6455–4] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4775. A letter from the Assistant Bureau Chief, Management, Federal Communications Commission, transmitting the Commission's final rule—Direct Access to the INTELSAT System [IB Docket No. 98–192 File No. 60–SAT–ISP–97] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

4776. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

4777. A letter from the Auditor, Office of the District of Columbia, transmitting a report entitled, ''Audit of the Public Service Commission Agency Fund for Fiscal Year 1997,'' pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

4778. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List—received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

4779. A letter from the Auditor, Office of the District of Columbia, transmitting a report entitled, ''Chronology of the Steps Through Which the Tentative Agreement Between the Washington Teachers Union AFT Local #6, AFL–CIO and the District of Columbia Public School Passed''; to the Committee on Government Reform.

4780. A letter from the Auditor, Office of the District of Columbia, transmitting a report entitled, ''Auditor's Review of Unauthorized and Improper Transactions of ANC 7C's Chairperson''; to the Committee on Government Reform.

4781. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 950427117–9138–08; I.D. 051999A] (RIN: 0648–AH97) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4782. A letter from the Chief, Endangered Species Division, Office of Protected Resources, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Sea Turtle Conservation; Restrictions Applicable to Shrimp Trawl Activities; Leatherback Conservation Zone [Docket No. 950427117–9133–07; I.D. 051299D] (RIN: 0648–AH97) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4783. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Final Rule; Recreational Measures for the 1999 Fisheries for the Summer Flounder, Scup, and Black Sea Bass Fisheries of the Northeastern United States (RIN: 0648–AL75) received October 12, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4784. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Endangered and Threatened Species; Threatened Status for Two Chinook Salmon Evolutionary Significant Units (ESUs) in California [Docket No. 990303060–9231–03; I.D. 022398C] (RIN: 0648–AM54) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4785. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Pacific Coast Groundfish Fishery; Amendment 11 [Docket No. 990121026–9229–02; I.D. 112498A] (RIN: 0648–AL52) received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4786. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 98–NM–378–AD; Amendment 39–11340; AD 99–20–10] (RIN: 2120–AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4787. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 98–NM–277–AD; Amendment 39–11339; AD 99–20–09] (RIN: 2120–AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4788. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives Eurocopter France Model EC 120B Helicopters [Docket No. 99–SW–53–AD; Amendment 39–11343; AD 99–19–23] (RIN: 2120–AA64) received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4789. A letter from the Deputy General Counsel, Investment Division, Office of Capital Access, Small Business Administration, transmitting the Administration's final rule—Small Business Investment Companies—received October 13, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

4790. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—William & Helen Woodral v. Commissioner [112 T.C. 19(1999) Docket No. 6385–98] received October 8, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4791. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Appeals Customer Service Program [Announcement 99–98] received October 5, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4792. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting

the Service's final rule—Administrative, Procedural, and Miscellaneous [Rev. Proc. 99–39] received October 7, 1999, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4793. A letter from the Secretary of Health and Human Services, transmitting the annual report on participation, assignment, and extra billing in the Medicare program; jointly to the Committees on Ways and Means and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2886. A bill to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act (Rept. 106–383). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 486. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; with an amendment (Rept. 106–384). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Education and the Workforce. H.R. 1987. A bill to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration; with an amendment (Rept. 106–385). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SHUSTER (for himself and Mr. OBERSTAR):

H.R. 3072. A bill to provide for increased access to airports in the United Kingdom by United States air carriers, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CARDIN, Mr. ENGLISH, Mr. LEWIS of Kentucky, Mr. MATSUI, Mr. FOLEY, Mr. MCCRERY, Mr. STARK, Mr. CAMP, Mr. JEFFERSON, Mr. COYNE, and Mr. THOMAS):

H.R. 3073. A bill to amend part A of title IV of the Social Security Act to provide for grants for projects designed to promote responsible fatherhood, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 3074. A bill to repeal the Federal estate and gift taxes and the alternative minimum tax on individuals and corporations; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. ARCHER, Mr. CRANE, Mr. SHAW, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. MCCRERY, Mr. CAMP, Mr. RAMSTAD, Mr. NUSSLE, Mr. SAM JOHNSON of Texas, Ms. DUNN, Mr. COLLINS, Mr. PORTMAN, Mr. ENGLISH, Mr. WATKINS, Mr. HAYWORTH, Mr. WELLER, Mr. HULSHOF, Mr. MCINNIS, Mr. LEWIS of Kentucky, Mr. FOLEY, Mr. BLUNT, Mr. THUNE, Mr. RYAN of Wisconsin, Mr. HUTCHINSON, Mr. RILEY, Mr. PETERSON of Pennsylvania, Mr. LATHAM, Mr. STUMP, Mr. SMITH of Michigan, Mr. WALDEN of Oregon, Ms. DANNER, Mr. SWEENEY, Mr. HASTINGS of Washington, Mr. BACHUS, Mr. KOLBE, Mr. LATOURETTE, Mr. BASS, Mr. PICKERING, Mr. SHAYS, Mr. MORAN of Kansas, Mr. LUCAS of Oklahoma, and Ms. PRYCE of Ohio):

H.R. 3075. A bill to amend title XVIII of the Social Security Act to make corrections and refinements in the Medicare Program as revised by the Balanced Budget Act of 1997; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia (for himself, Mr. BLILEY, Mr. HUNTER, Mr. LIPINSKI, Mr. TRAFICANT, Mr. NORWOOD, Mr. ROHRABACHER, Mr. BARTLETT of Maryland, and Mr. COLLINS):

H.R. 3076. A bill to provide for the assessment of civil penalties for aliens who illegally enter the United States and for persons smuggling aliens within the United States; to the Committee on the Judiciary.

By Mr. DOOLEY of California (for himself, Mr. RADANOVICH, Mr. CONDIT, and Mr. THOMAS):

H.R. 3077. A bill to amend the Act that authorized construction of the San Luis Unit of the Central Valley Project, California, to facilitate water transfers in the Central Valley Project; to the Committee on Resources.

By Mr. FALEOMAVAEGA:

H.R. 3078. A bill to direct the Secretary of Commerce, acting through the National Marine Fisheries Service, to study the practice of shark finning in United States waters of the Central and Western Pacific Ocean and the effects that practice is having on shark populations in the Pacific Ocean; to the Committee on Resources.

By Ms. HOOLEY of Oregon:

H.R. 3079. A bill to direct the Secretary of Veterans Affairs to establish an outpatient clinic in Salem, Oregon; to the Committee on Veterans' Affairs.

By Mr. KILDEE (for himself, Mr. KENNEDY of Rhode Island, Mr. GEORGE MILLER of California, Mr. UDALL of New Mexico, Mr. HAYWORTH, Mr. POMEROY, and Mr. KOLBE):

H.R. 3080. A bill to amend the Indian Self-Determination and Education Assistance Act to direct the Secretary of the Interior to establish the American Indian Education Foundation, and for other purposes; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO (for himself, Mr. CONDIT, Mr. SHIMKUS, Mr. CRAMER, Mr. SHERWOOD, Mr. BISHOP, Mr. WELLER, Ms. HOOLEY of Oregon, Mr. PICKERING, and Mr. PETERSON of Minnesota):

H.R. 3081. A bill to increase the Federal minimum wage and to amend the Internal Revenue Code of 1986 to provide tax benefits for small businesses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. CARDIN, Mr. CRANE, Mr. FOLEY, Mr. HERGER, Mr. HOUGHTON, Mrs. JOHNSON of Connecticut, Mr. KLECZKA, Mr. LEWIS of Kentucky, Mr. LUTHER, Mr. MCCRERY, Mr. MCINNIS, Mr. PORTMAN, Mrs. THURMAN, Mr. WATKINS, and Mr. WELLER):

H.R. 3082. A bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan; to the Committee on Ways and Means.

By Ms. SCHAKOWSKY (for herself, Ms. JACKSON-LEE of Texas, Mrs. MORELLA, Mr. CAPUANO, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. BERMAN, Mr. WAXMAN, Mr. SANDERS, Mr. WEINER, Mr. HINCHEY, Mr. FROST, Mr. FARR of California, Mr. STUPAK, Mr. LEACH, Ms. BERKLEY, Ms. WOOLSEY, Mr. ABERCROMBIE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WYNN, Mrs. MALONEY of New York, Ms. NORTON, Mrs. MINK of Hawaii, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Mrs. CAPPS, Ms. LEE, Mr. TOWNS, Ms. BROWN of Florida, Mrs. LOWEY, Mr. GREEN of Texas, Mr. MCNULTY, Mr. GEORGE MILLER of California, Mr. CROWLEY, Ms. MCKINNEY, Mr. CONYERS, Mrs. MEEK of Florida, Mr. KIND, and Ms. DELAURO):

H.R. 3083. A bill to amend the Immigration and Nationality Act to provide protection for battered immigrant women, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, Banking and Financial Services, Education and the Workforce, Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. LAHOOD, Mr. LIPINSKI, Mr. EWING, Mr. WELLER, Ms. SCHAKOWSKY, Mr. HYDE, Mr. EVANS, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. PHELPS, Mr. GUTIERREZ, Mr. RUSH, Mr. BLAGOJEVICH, Mrs. BIGGERT, Mr. PORTER, Mr. MANZULLO, Mr. HASTERT, Mr. JACKSON of Illinois, and Mr. CRANE):

H.R. 3084. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President ABRAHAM LINCOLN; to the Committee on Resources.

By Mr. TERRY (for himself and Mr. DEMINT):

H.R. 3085. A bill to provide discretionary spending offsets for fiscal year 2000; to the Committee on Ways and Means, and in addition to the Committees on Agriculture, Transportation and Infrastructure, Resources, Commerce, Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN (for herself and Mr. MCDERMOTT):

H.R. 3086. A bill to direct the Secretary of Health and Human Services to make changes in payment methodologies under the Medicare Program under title XVIII of the Social

Security Act, and to provide for short-term coverage of outpatient prescription drugs to Medicare beneficiaries who lose drug coverage under MedicareChoice plans; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER (for himself, Mr. FORBES, Ms. SLAUGHTER, Mr. WALSH, Mr. SWEENEY, Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. NADLER):

H.R. 3087. A bill to provide assistance to State and local forensic laboratories in analyzing DNA samples from convicted offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON of Florida:

H.R. 3088. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide additional protections to victims of rape; to the Committee on the Judiciary.

By Mr. MORAN of Kansas (for himself and Mr. HALL of Texas):

H. Con. Res. 198. Concurrent resolution acknowledging and commemorating the service of Dwight D. Eisenhower as General of the Army and President of the United States; to the Committee on Government Reform.

By Mr. BARTON of Texas (for himself, Mr. WELDON of Florida, Mr. STEARNS, Mrs. MYRICK, Mr. COBURN, Mr. MICA, Mr. BURTON of Indiana, and Mr. PETERSON of Pennsylvania):

H. Res. 331. A resolution amending the Rules of the House of Representatives to provide for mandatory drug testing of Members, officers, and employees of the House of Representatives; to the Committee on Rules.

By Mr. GREEN of Wisconsin (for himself, Mr. RADANOVICH, Mr. GILMAN, Mr. VENTO, Mr. KIND, Mr. ROHRABACHER, and Mr. HUNTER):

H. Res. 332. A resolution condemning the communist regime in Laos for its many human rights abuses, including its role in the abduction of United States citizens Houa Ly and Michael Vang; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. GORDON, Mr. VITTER, Mrs. BIGGERT, and Mr. MANZULLO.

H.R. 274: Mr. BAKER, Mr. WATKINS, and Mr. GOODE.

H.R. 405: Mr. SCARBOROUGH.

H.R. 501: Mr. OWENS.

H.R. 534: Mr. KASICH and Mr. HOLDEN.

H.R. 583: Mr. UDALL of New Mexico.

H.R. 664: Mr. BARCIA and Mr. WYNN.

H.R. 701: Mr. BILIRAKIS, Mr. PORTMAN, and Mr. SOUDER.

H.R. 710: Mr. BARR of Georgia, Mr. KOLBE, and Mr. HOYER.

H.R. 721: Mr. CANADY of Florida.

H.R. 732: Mr. LOBIONDO.

H.R. 740: Ms. DELAURO.

H.R. 827: Mr. BECERRA, Ms. STABENOW, Mr. NEAL of Massachusetts, and Mr. SNYDER.

H.R. 976: Mr. TURNER.

H.R. 1046: Ms. BERKLEY.

H.R. 1067: Ms GRANGER.

H.R. 1071: Mr. BARCIA and Mr. GEJDENSON.

H.R. 1182: Mr. DICKEY.

H.R. 1221: Mr. DEAL of Georgia, Mrs. LOWEY, and Mr. BONIOR.

H.R. 1248: Mr. HOYER, Mr. UDALL of Colorado, Mr. TURNER, and Mr. BURTON of Indiana.

H.R. 1265: Mr. HALL of Texas.

H.R. 1274: Mr. JACKSON of Illinois.

H.R. 1285: Mr. ANDREWS.

H.R. 1304: Mr. FATTAH and Mr. GIBBONS.

H.R. 1313: Mr. GEJDENSON and Mr. WEINER.

H.R. 1336: Mr. CASTLE.

H.R. 1385: Mr. GREEN of Wisconsin.

H.R. 1413: Ms. GRANGER.

H.R. 1452: Mr. CALVERT and Mr. NADLER.

H.R. 1606: Mr. CAPUANO.

H.R. 1621: Mr. SABO.

H.R. 1634: Mr. FROST.

H.R. 1650: Mr. MASCARA and Mr. BASS.

H.R. 1689: Mr. TANCREDO.

H.R. 1693: Mr. LAMPSON.

H.R. 1771: Mr. HILL of Montana.

H.R. 1772: Mr. HILL of Montana.

H.R. 1776: Mr. WELDON of Pennsylvania and Mr. BONILLA.

H.R. 1795: Mr. COBLE, Mrs. JONES of Ohio, Mr. GONZALEZ, Mr. MCGOVERN, and Mr. MORAN of Virginia.

H.R. 1837: Mr. BARRETT of Wisconsin, Mr. HOSTETTLER, Ms. DANNER, Mr. WATKINS, Mr. HUTCHINSON, Mr. FLETCHER, and Mr. WELDON of Florida.

H.R. 1838: Mr. KING.

H.R. 1839: Mr. LIPINSKI.

H.R. 1918: Ms. ROS-LEHTINEN.

H.R. 1926: Mrs. FOWLER.

H.R. 1933: Mr. CALVERT and Mr. MANZULLO.

H.R. 1987: Mr. LARGENT, Mr. HILL of Montana, Mr. GOSS, Mr. DUNCAN, Mr. DELAY, and Mr. ARMEY.

H.R. 2059: Mr. MCGOVERN and Mr. HOYER.

H.R. 2066: Mr. DOOLEY of California, Mr. STUPAK, Mr. GEJDENSON, Mr. GANSKE, Mr. PRICE of North Carolina, and Mr. GUTKNECHT.

H.R. 2100: Mr. LAHOOD.

H.R. 2129: Mr. BILBRAY, Mr. HOBSON, Mr. BOEHNER, Mr. CHAMBLISS, and Mr. HASTINGS of Washington.

H.R. 2141: Mr. DIAZ-BALART, Mr. RANGEL, and Mr. PAUL.

H.R. 2162: Mr. SMITH of Michigan and Mr. PITTS.

H.R. 2200: Mr. DEFAZIO.

H.R. 2241: Mrs. LOWEY, Mr. SANDLIN, Mr. SHAYS, and Mr. BARR of Georgia.

H.R. 2244: Mr. BLUNT and Mr. HANSEN.

H.R. 2247: Mr. WATKINS.

H.R. 2260: Mr. BERRY.

H.R. 2266: Mr. PHELPS.

H.R. 2300: Mr. OXLEY.

H.R. 2316: Ms. NORTON.

H.R. 2319: Mr. DEMINT, Ms. LOFGREN, and Mr. BARCIA.

H.R. 2341: Mr. BERRY, Mr. OXLEY, Mr. WU, Mr. PORTER, Mr. HOEFFEL, Mrs. MALONEY of New York, Mrs. CUBIN, Mr. HAYWORTH, Mr. FOLEY, Mr. JEFFERSON, Mr. CAMP, Ms. SLAUGHTER, Mrs. THURMAN, Mr. ORTIZ, Mr. SAWYER, Mr. PORTMAN, and Mr. SCOTT.

H.R. 2366: Mr. WATKINS.

H.R. 2387: Mr. BARCIA.

H.R. 2500: Mr. HINCHEY.

H.R. 2534: Mr. PHELPS.

H.R. 2551: Mr. LEACH, Mr. HUNTER, Mr. MCINTYRE, Mr. TIAHRT, and Mr. LATHAM.

H.R. 2554: Mr. BARCIA.

H.R. 2569: Mr. MENENDEZ, Mr. LEWIS of Georgia, Ms. MCCARTHY of Missouri, and Mr. PAYNE.

H.R. 2595: Mr. VISCLOSKY.

H.R. 2627: Mr. ROTHMAN.

H.R. 2631: Mr. FROST and Mr. GOODE.

H.R. 2719: Mr. RANGEL.

H.R. 2722: Mr. GREEN of Texas.

H.R. 2726: Mr. KUYKENDALL, Mr. STUMP, Mr. EDWARDS, Mr. ROGAN, Mr. WICKER, Mr. PICKERING, and Mr. BARCIA.

H.R. 2738: Ms. BALDWIN and Mr. HALL of Ohio.

H.R. 2744: Mr. VITTER, Mr. RAHALL, Mr. VISCLOSKY, Mr. MOLLOHAN, Mr. STARK, Mr. BALDACCI, and Mr. BORSKI.

H.R. 2749: Mr. WATKINS.

H.R. 2774: Mr. ANDREWS.

H.R. 2776: Mr. MCGOVERN.

H.R. 2785: Mr. MCCOLLUM and Mr. STEARNS.

H.R. 2790: Mr. UNDERWOOD.

H.R. 2819: Mr. LARSON and Mr. UNDERWOOD.

H.R. 2824: Mr. GOODLATTE.

H.R. 2870: Mr. NEAL of Massachusetts and Mr. SKELTON.

H.R. 2970: Mrs. MINK of Hawaii.

H.R. 2933: Mr. UNDERWOOD AND MR. PHELPS.

H.R. 2934: Mr. PHELPS.

H.R. 2953: Mr. COOK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. HOUGHTON.

H.R. 2956: Mr. WEXLER, Ms. MCKINNEY, and Mr. NEAL of Massachusetts.

H.R. 2991: Mr. BISHOP, Mr. GUTKNECHT, Mr. HERGER, Mr. COOK, Mr. SANDLIN, Mr. BONILLA, Mr. GOODLATTE, and Mr. HILL of Montana.

H.R. 2995: Mr. MCHUGH, Mr. MCNULTY, Mr. RILEY, and Mr. WELDON of Florida.

H.R. 3012: Mr. COBURN, Mr. SESSIONS, Mr. CHAMBLISS, Mr. SHIMKUS, Mr. SHAYS, and Mr. TANCREDO.

H.R. 3034: Mr. MICA and Mr. KNOLLENBERG.

H.J. Res. 46: Mr. EVANS, Mrs. JONES of Ohio, Mr. SAXTON, Mr. RODRIGUEZ, Ms. LEE, Mrs. MEEK of Florida, Mr. MARTINEZ, Mr. HASTINGS of Florida, Mr. NADLER, Ms. RIVERS, Ms. DELAURO, Mr. BECERRA, Ms. CARSON, Ms. WOOLSEY, Mr. KUYKENDALL, Mr. MEEKS of New York, Ms. MCKINNEY, Mr. HAYWORTH, Ms. SANCHEZ, Ms. BROWN of Florida, Mr. LEVIN, Mr. JACKSON of Illinois and Mr. PICKETT.

H.J. Res. 56: Mr. CROWLEY.

H. Con. Res. 30: Mr. SMITH of Texas.

H. Con. Res. 62: Mr. VENTO.

H. Con. Res. 89: Mr. DINGELL, Mr. LINDER, Mr. KLECZKA, and Mr. PASCRELL.

H. Con. Res. 120: Mr. DREIER.

H. Con. Res. 166: Mr. SCHAFFER.

H. Res. 82: Mr. KUCINICH.

H. Res. 285: Mr. ANDREWS.

H. Res. 298: Mr. MCINTYRE, Ms. CARSON, Mr. HOLT, Mr. DIXON, Mr. LUTHER, Mr. LUCAS of Kentucky, Mrs. CAPPS, Mr. HOSTETTLER, Mr. BARTLETT of Maryland, and Ms. MCCARTHY of Missouri.

H. Res. 325: Mr. COOK, Mr. CAPUANO, and Mr. HOUGHTON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1275: Mr. COBURN.

H.R. 1304: Mr. COBURN.

DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 5 by Mr. RANGEL on House Resolution 240: James A. Traficant, Jr.

Petition 6, October 5, 1999, by Mr. BONIOR on House Resolution 301: Neil Abercrombie and Collin C. Peterson.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3037

OFFERED BY: MR. PAUL

AMENDMENT NO. ———: Page 52, line 3, after each of the dollar amounts, insert the following: ''(increased by $25,000,000)''.

Page 72, line 17, after the dollar amount, insert the following: ''(reduced by $30,000,000)''.

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, FIRST SESSION

Vol. 145 WASHINGTON, THURSDAY, OCTOBER 14, 1999 *No. 139*

Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today's prayer will be offered by Father Chad Hatfield, All Saints Orthodox Church, Salina, KS.

PRAYER

The guest Chaplain, Father Chad Hatfield, offered the following prayer:

Let us pray to the Lord.

O Lord, grant to the Members of this Senate peace in the coming day, helping them do all things in accordance with Your holy will. In every hour of this day, reveal Your will to them. Bless their dealings with one another. Teach them to treat all that comes to them throughout the day with peace of soul and the firm conviction that Your will governs all. In all their deeds and words, guide their thoughts and their feelings. In unforeseen events, let them not forget that all are sent by You. Teach every Member of this solemn assembly to act firmly and wisely without embittering and embarrassing others. Give them strength to bear the fatigue of the coming day with all that it shall bring. Direct them, teaching them to pray. And, Yourself, pray in all of us. Amen.

PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK, a Senator from the State of Kansas, led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Alaska.

Mr. STEVENS. I thank the Chair.

Before making opening remarks, I yield to Senator BROWNBACK for such remarks he wishes to make.

Mr. BROWNBACK. I thank the Senator.

FATHER CHAD HATFIELD

Mr. BROWNBACK. I rise to thank Father Chad Hatfield of the All Saints Orthodox Church, Salina, KS, for his encouraging words. Today, it is appropriate to honor this man of God by describing his service to the people of Kansas.

Father Hatfield has served faithfully in the ministry for over 20 years and is presently the senior pastor of an Eastern Orthodox congregation. Before settling in Kansas, he lived in several places including South Africa during far more difficult days. His duties included ministering as well as editing a South African theological journal. He became an ordained Orthodox priest in January 1994, after several years in the Episcopal Church.

He is a respected theologian, as well as a man of deep faith whose talent lies in pointing people to a relationship with God. He is known for his special events for those exploring Christian Orthodoxy, and many in his congregation are new converts because of his witness.

I hope my words capture his strength and wisdom. This is a man who has dedicated himself to the people of his parish, not because it was his job but because they are his flock. His is the work of opening Godly mysteries, while serving the needs of those in his community. He is a servant to those in trouble involving the persecuted church overseas, youth violence at home, reducing teen pregnancy, preserving marriages, and helping promote such projects as Faith Works of Kansas which links needy families with churches to help people get back on their feet. His is the work of a true shepherd, and it is work which surely will remain.

The Bible says in Psalm 119:105, ''Thy word is a lamp to my feet and a light to my path.'' Mr. President, I hope you join me in thanking Father Hatfield for his prayer and lighting our path for this day.

I thank the Chair and I yield the floor.

SCHEDULE

Mr. STEVENS. Mr. President, on behalf of the majority leader, I wish to announce that today the Senate will debate the Defense appropriations conference report for 1 hour. By previous consent, that vote will be postponed to occur at 4 p.m. this afternoon. For the remainder of the day, the Senate will debate the campaign finance reform bill with amendments expected to be offered. Senators who intend to offer amendments are encouraged to work with the bill managers to schedule a time for debate on their amendments. Further, Senators can expect votes throughout the day. The Senate may also consider any other conference reports available for action.

The distinguished majority leader thanks all Senators for their cooperation on this day. It will be a difficult day.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

The PRESIDING OFFICER. The Senate will now proceed to the consideration of the conference report accompanying H.R. 2561, which the clerk will report.

The bill clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2561, have agreed to recommend and do

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 8, 1999.)

The PRESIDING OFFICER. Under the previous order, there will now be 50 minutes of debate equally divided, with an additional 10 minutes under the control of the Senator from Arizona, Mr. MCCAIN.

The Senator from Alaska.

Mr. STEVENS. Mr. President, yesterday the House passed the conference report which is before the Senate which accompanies H.R. 2561, which is the fiscal year 2000 Department of Defense Appropriations Act. It passed by a vote of 372–55. All 17 Senate conferees signed this conference report which Senator INOUYE and I present to the Senate today.

This conference report reflects nearly 4 weeks of discussions and negotiations with the House committee. The conference report before the Senate is consistent with the bill passed by the Senate in June and the armed services conference report passed recently and signed by the President.

In most areas, we established a compromise figure between the House and Senate levels.

The excellent work undertaken by the Armed Services Committee provided an essential roadmap and guide for the work of our conference on most major programs.

The first priority of our conference was to ensure adequate funding for military personnel, including the 4.8-percent pay raise for the fiscal year 2000. Funding was also provided to implement the restoration of full retirement benefits for military personnel and new retention and enlistment bonuses to attract and retain military personnel.

The conferees worked to increase needed spending for military readiness and quality of life priorities. More than $1 billion has been added to the President's request for operation and maintenance in the Department of Defense to make certain the Armed Forces are prepared to meet any challenge to our Nation's security.

The conferees faced wide gaps between modernization programs advocated by the House and Senate. This is the first year of many years we have had such major disagreements.

The Senate sustained the Department's request for several multiyear procurement initiatives which included the Apache, the Javelin, the F–18, C–17, and the M–1 tank. I am pleased to report each of these are included in the conference report before the Senate today. Those multiyear contracts, in our opinion, do give us better procurement at a lower cost.

The Senate included funds to meet the Marine Corps commandant's foremost priority, the LHD–8 amphibious assault ship. There is $375 million provided for that vessel at the authorized level.

Considerable media attention was focused on the action by the House to delete all procurement funding for the F–22. Consistent with the decision in the defense authorization bill, Senate conferees insisted that adequate funding be appropriated for the F–22.

Also, legislative authority was provided to execute the existing fixed-price contract for the first eight preproduction aircraft.

The conference outcome provides funds to sustain the F–22 program at the proposed production rates, with full advanced procurement for the 10 aircraft planned for the fiscal year 2001.

Legislative restrictions on those funds do mandate that during the fiscal year 2000, the Department meet its planned review thresholds. We are confident that will take place.

Language concerning the fiscal year 2001 contract awards by necessity will have to be reconsidered as part of the fiscal year 2001 bill, as this act does not govern appropriations after September 30 of next year.

The most important research and development program supported in this act is the national missile defense effort. The successful intercept test last week validates the work since 1983 to build and deploy an effective national missile defense system.

This conference report before the Senate allocates an additional $117 million from the 1999 omnibus bill to keep this program on track and to accelerate deployment as soon as practical.

The bill also provides funding for the Third Arrow Battery to assist our ally, Israel, in meeting its security needs. When the committee reported the defense bill to the Senate in May, Congress had just passed an $11 billion supplemental bill to meet the costs of the conflict in Kosovo.

As a result of the exceptional performance of our air and naval forces during that campaign, hostilities ended months earlier than projected in the supplemental bill. That effort afforded the Senate the option to apply those funds from the supplemental bill appropriated for Kosovo to meet the fiscal year 2000 defense needs. This bill utilized $3.1 billion in Kosovo carryover funds as it left the Senate. Based on extensive consultation with the Department of Defense, the conferees agreed to apply $1.6 billion of that sum to meet vital readiness and munitions needs for the fiscal year 2000.

Finally, the bill includes two new general provisions that place new maximum averages on defense contract payments. These provisions do not reduce in any way the amount the Department will pay to meet its obligations but does change the maximum number of days by which such payments must be made.

The Department must remain fully compliant with the Prompt Payment Act, and nothing was done in this act to extend payments beyond current legal limits.

As I have observed over the past 5 years, the work of presenting this bill and the conference report now before the Senate reflects a total partnership between myself and my great friend, the distinguished Senator from Hawaii. His wisdom, perseverance, and steadfast determination to work for the welfare of the men and women of our Armed Forces and the military preparedness of our Nation assured the nonpartisan result of this conference.

This bill also contains a provision to commence the formation of a commission to find a suitable national memorial to our former President, the distinguished general of the Army, President Eisenhower. I urge all Members become familiar with that process. It very much follows the commission that was established for a similar memorial to President Franklin Delano Roosevelt.

Following the statement of my good friend from Hawaii, to whom I now yield, I shall urge adoption of the conference report.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I rise this morning to add my support to H.R. 2561, the Department of Defense Appropriations Act for fiscal year 2000. I believe the conference report presents an agreement that is very much in keeping with the bill that passed the Senate and I would encourage all my colleagues to support it.

This was a tough conference. That is an understatement. The recommendations of the House and the Senate were different in many areas. Both sides felt strongly about their respective views. As noted by my chairman, nowhere was this more evident than in the case of the F–22. For that reason, and because of the importance of this program, I would like to spend a few minutes discussing the situation facing the conferees and the final outcome.

For 16 years, the Air Force has been researching and developing a new generation air superiority aircraft, called the F–22. The administration's budget request called for the aircraft to enter production in fiscal year 2000.

The House was divided in its view on this matter. The Defense authorization bill, as passed by the House and the conference agreement which followed, supported the program without adjustment. The House Appropriations Committee took a different view.

The committee recommended, and the House concurred in the Defense appropriations bill, that production should be ''paused'' for at least 1 year to allow for additional testing. The House eliminated all production funding for the program—an amount in excess of $1.8 billion—and reallocated these funds to other programs. Many of these were very meritorious, but they were lower priority in the view of the Defense Department.

The Senate fully supported the F–22 as requested and authorized. In conference, the House was adamant that production should not begin this year. The Senate understood the House's desire for additional testing on the program, but pointed out repeatedly that there was nothing in the initial phases of this program that would warrant slowing it down to await additional testing. In addition, the Senate voted that a pause would be very costly. Contracts would have to be renegotiated. Subcontractors expecting to begin production would have to stop work on the project. Restarting it would be costly even if the pause were only to last 1 year.

The F–22 is a highly sophisticated new aircraft with revolutionary capabilities. Those facts are not in dispute. But, these capabilities make it a very expensive program. The Senate conferees were concerned additional costs caused by delays would be so large as to force the Defense Department to cut or even cancel the program. It is ironic that after 16 years just when we are ready to begin production that some would now argue it was time to slow down the program. The differences between the two bodies were so strongly felt that it was extremely difficult to reach an agreement.

Finally, our chairman, acting with the advice of the leadership of the Defense Department, crafted a compromise that all parties embraced. The compromise provides $1.3 billion for the F–22. I for one would like to have seen more provided for this program, but that was the maximum to which the House would agree.

We have been told by the Air Force that this sum is sufficient to allow for the program to stay on track in the coming year. The conferees understand that the funds will be merged with other research and development funding to allow the Air Force to purchase another six F–22 aircraft as planned. It will also allow the Air Force to buy materials to produce 10 additional aircraft in fiscal year 2001.

There is language in the agreement that requires the Air Force to get approval from the Defense Acquisition Board before proceeding to purchase these aircraft. There is also language that would require the Air Force to complete certain testing before it purchases aircraft in 2001. However, that language, as noted by our chairman, would not have any effect until after the expiration of this act.

The conferees believe the Air Force should conduct adequate testing of the aircraft before it goes into full rate production. The precise level of that testing is an issue to be reexamined at a later date.

The Senate owes a debt of gratitude—a great debt of gratitude—to our chairman, Senator STEVENS. This was a tough conference. Our chairman was up to the task of defending the positions of the Senate. At the same time, he was most respectful of the views of the House. He worked tirelessly to try to reach an accommodation on this, as well as hundreds of other items.

A second matter that requires clarification is the overall spending in this bill. The Senate bill provided $264.7 billion in budget authority, with the estimated outlays of $255.4 billion. The House bill was nearly $4 billion higher.

In conference, the Senate agreed to increase the spending by $3.1 billion in budget authority and $200 million in outlays. The conferees also agreed to label $7.2 billion in budget authority as emergency spending. In so doing, the committee was able to reallocate $4.1 billion more than the original Senate allocation and $8.1 billion more than the House allocation for other discretionary domestic programs.

Many have stated that this bill is more than $17 billion above the amount recommended in fiscal year 1999. However, it should be noted that the Congress added $16.6 billion for Kosovo, Bosnia, and other emergency requirements in fiscal year 1999 that are not included in that calculation.

In comparing ''apples to apples,'' this bill is a little over $1 billion more than provided in fiscal year 1999. I, for one, would argue that this increase is very modest for the coming year. Especially when one realizes we have provided funding for an expanded pay raise, an enhanced retirement system, and additional target pay increases for many members of the military, this increase is very modest, indeed.

This is a good conference report. While one can find one or two things one might not support, on balance I believe it is a good compromise package. So I most respectfully urge all my colleagues to support it.

In closing, I would like to give a word of commendation for two members who are not Members of the Senate, but we think they are members of our family: Steve Cortese and, this man, Charlie Houy. So, Mr. President, with the help of these two special staff members, we were able to craft this agreement we present today.

I yield the floor.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I understand under the unanimous-consent agreement I have 10 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. MCCAIN. Mr. President, I voted in support of the Defense authorization bill for the fiscal year that began earlier this month. I would have liked to have been able to similarly support the Defense appropriations bill. Unfortunately, the unconscionable and noncredible budgeting procedures that are used in this bill are too pervasive, the level of wasteful spending of taxpayer dollars is too irresponsible for me to acquiesce in passage of this legislation.

I look at this bill that is larded with earmarks and set-asides for powerful defense contractors, influential local groups and officials, and with other parochial interests. One can understand the distrust with which the average citizen views the Federal government. The use of gimmicks and budgetary subterfuge simply deepens the gulf that exists between those of us who toil within the confines of the Beltway, and Americans across the Nation who see large portions of their paychecks diverted by Congress for purposes they often do not support.

What kind of message are we sending American business men and women, especially the small businesses most affected by telling the Department of Defense to purposely delay paying its bills? When the Department of Defense fails to pay contractors on time, those contractors often have to tell their suppliers, subcontractors, and employees that they will have to wait for their check. The trickle-down effect is felt most by the employees and their families whose budgets often can't absorb a delay of a week in getting a paycheck, much less the 29-day delay mandated by this bill.

This provision simply pushes off until the next fiscal year the bills that come due in the last month of this fiscal year. Does anyone in this body believe that it will be any easier next year to live within the budget caps? It will be more difficult because, by approving this gimmick, we are spending $2 billion of next year's available funding. In fact, we already pushed another $6 billion into the next fiscal year by ''forward funding'' programs in the Labor-HHS Appropriations bill. In total, we will have already spent $8 billion out of next year's budget cap before taking up a single fiscal year 2001 appropriations bill.

And how can we explain the categorization of $2.7 billion for normal, predictable operations, training, and maintenance funding as ''emergency'' spending? Obviously, ongoing operations around the world cost money, as does necessary training as well as maintaining the admittedly bloated infrastructure of the Department of Defense. None of this should come as a surprise to the appropriators, and thus, in my view, cannot be justified as ''emergency'' spending, other than as a clear manifestation of an effort to evade budget caps.

This $7.2 billion will come straight out of the budget surplus that the Congress promised just a few months ago to return to the American taxpayers. Together with the ever-increasing $8.7 billion in ''emergency'' farm aid—some of which is admittedly justifiable—we will have already spent the entire non-Social Security surplus, and even a few billion of the Social Security Trust Fund. How can we vote—not once but four times—to put a ''lockbox'' on the Social Security surplus and then turn right around and spend it without blinking an eye?

At the same time, we are funding ships and aircraft and research programs that were not requested by the

military, and in fact do not even appear on the ever-expanding Unfunded Requirements Lists, the integrity of which have been thoroughly undermined by pressures from this body.

Mr. President, this bill includes $6.4 billion in low-priority, wasteful spending not subject to the kind of deliberative, competitive process that we should demand of all items in spending bills. Six billion dollars—more than ever before in any defense bill in the 13 years I have been in this body.

Argue all you want about the merits of individual programs that were added at the request of interested Members. At the end of the day, there is over $6 billion worth of pork in a defense spending bill at the same time we are struggling with myriad readiness and modernization problems. No credible budget process can withstand such abuse indefinitely and still retain the level of legitimacy needed to properly represent the interests of the Nation as a whole.

The ingenuity of the appropriators never ceases to amaze me. In this defense bill, we are spending money on unrequested research and development projects like the $3 million for advanced food service technology and on activities totally unrelated to national defense, such as the $8 million in the budget for Puget Sound Naval Shipyard Resource Preservation.

These items are representative of the bulk of the pork-barrel spending that is inserted into spending bills for parochial reasons: hundreds of small items or activities totaling hundreds of millions of dollars. Combine them with the big-ticket items in the bill—like the 11 Blackhawk helicopters at a cost of over $100 million; the $375 million in long-lead funding for another amphibious assault ship; and the $275 million for F–15 aircraft above the $263 million in the budget request—and you have a major investment in special interest goodwill at the expense of broader national security considerations. Two of these programs, the amphibious assault ship and the Blackhawk helicopters, are specifically mentioned in the Secretary of Defense's letter to the chairmen of the Senate and House Appropriations Committees as diverting funds from ''Much higher priority needs * * *''

How long are we going to continue to acquiesce in the forced acquisition of security locks just because they are manufactured in the state that was represented by a very powerful former member of this body? Making a bad situation worse, we have extended the requirement that one particular company's product be purchased for government-owned facilities to also include the contractors that serve them, and earmarked another $10 million for that purpose. What's next? Are we going to mandate that these locks be used for the bicycles of children of defense contractors?

Another distasteful budget sleight of hand was the addition of 15 military construction projects totaling $92 million that were neither requested nor authorized. The Appropriations Conference took care of that, however. These projects are both authorized and fully funded in the Conference Report, calling into question the relevance of the defense authorizing committees in the House of Representatives and the Senate.

As someone who is concerned that the Navy, by design, will lack the means of supporting ground forces ashore with high-volume, high-impact naval gunfire for at least another 10 years, I am more than a little taken aback that the California delegation has placed a higher priority on accumulating tourist dollars than on preserving one of the last two battleships in the fleet. The $3 million earmarked for relocating the U.S.S. *Iowa* represents a particularly pernicious episode of giving higher priority to bringing home the bacon than to national security interests. Simplistic platitudes regarding the age of these ships aside, no one can deny that they continue to represent one of the most capable non-nuclear platforms in the arsenal. But, yes, they do make fine museums.

Also discouraging is the growing use of domestic source restrictions on the acquisition of defense items. The Defense Appropriations Conference Report is replete with so-called ''Buy American'' restrictions, every one of which serves solely to protect businesses from competition. The use of protectionist legislation to insulate domestic industry from competition not only deprives the American consumer of the best product at the lowest price, it deprives the American taxpayer of the best value for his or her tax dollar. It undermines alliance relations while we are encouraging friendly countries to ''buy American.'' As Secretary Cohen stated, such restrictions ''undermine DoD's ability to procure the best systems at the least cost and to advance highly beneficial armaments cooperation with our allies.''

Mr. President, our military personnel will not fail to notice that, while we are spending inordinate amounts of money on programs and activities not requested by the armed forces, we rejected a proposal to get 12,000 military families off food stamps. That is not a message with which I wish to be associated. This bill appropriates $2.5 million, at the insistence of the opposition of the House, not one penny to get the children of military personnel currently on food stamps off of them. The cost of the provision I sponsored in the defense authorization bill was $6 million per year to permanently remove 10,000 military families from the food stamp rolls. Yet those who fought hard to defeat that measure have no problem finding hundreds of millions of dollars to take care of businesses important to their districts and campaigns.

This conference report represents everything those of us in the majority were supposed to be against. We weren't supposed to be the party that, when it came to power, would abuse the Congressional power of the purse because we couldn't restrain ourselves from bowing to the special interests that ask us to spend billions of dollars on projects that benefit them, not the nation as a whole.

We were supposed to be the pro-defense party, the party that gave highest priority to ensuring our national security and the readiness of our Armed Forces. We weren't supposed to be the party that wastes $6.4 billion on low-priority, wasteful, and unnecessary spending of scarce defense resources.

Our Armed Forces are the best in the world, but there is much that must be done to complete their restructuring, retraining, and re-equipping to meet the challenges of the future. I support a larger defense budget but I know that, if we eliminate pork-barrel spending from the defense budget, we can modernize our military without adding to the overall budget. Every year, Congress earmarks about $4 to 6 billion for wasteful, unnecessary, and low-priority projects that do little or nothing to support our military. Because Congress refuses to allow unneeded bases to be closed, the Pentagon wastes another $7 billion per year to maintain this excess infrastructure. If we privatized or consolidated support and depot maintenance activities, we could save $2 billion every year. And if we eliminated the anti-competitive ''Buy America'' provisions from law, we could save another $5.5 billion every year on defense contracts. Altogether, these commonsense proposals would free up over $20 billion every year in the defense budget that could be used to provide adequate pay and ensure appropriate quality of life for our military personnel and their families; pay for needed training and modern equipment for our forces; and pay for other high-priority defense needs, like an effective national missile defense system.

Instead, the Congress continues to squander scarce defense dollars, while nearly 12,000 of the men and women who protect our nation's security, and their families, must subsist on food stamps. It is a national disgrace.

Moral indignation serves little practical purpose in the Halls of Congress. In the end, we are what we are: politicians more concerned with parochial matters than with broader considerations of national security and fiscal responsibility. I do not like voting against the bill that funds the Department of Defense, not while we have pilots patrolling the skies over Iraq and troops enforcing the peace on the Korean peninsula and in such places as Bosnia, Kosovo and even East Timor.

However, I cannot support this defense bill. It is so full of wasteful spending and smoke and mirrors gimmickry that what good lies within is overwhelmed by the bad. It wastes billions of dollars on unnecessary programs, while revitalizing discredited budgeting practices. Those of us in the

majority correctly rejected the Administration's ill-considered attempt to incrementally fund military construction projects—but now we are proceeding to institutionalize budgeting practices that warrant even greater contempt.

I strongly urge my colleagues to vote against this bill.

Mr. President, the list of add-ons, increases, and earmarks that total $6.4 billion, can be found on my web site.

I yield the remainder of my time.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Alaska.

Mr. STEVENS. Mr. President, I know of nothing in this bill that deals with the food stamp issue. I don't understand the remarks of the Senator from Arizona. There is a 4.8 percent pay raise in this bill. We did exceed the President's request for the purpose of trying to make certain that all members of the armed services have sufficient funds with which to live. I know of no issue in this bill that deals with food stamps for service people. There are people in the service who are eligible for food stamps because of their own economic circumstances. That is very unfortunate. We are trying to work out a system whereby that will not happen. One of the ways to do that is to continue to increase the pay so they are comparable with people in the private sector and the jobs that they perform.

Mr. INOUYE addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. INOUYE. Mr. President, I yield time to the Senator from Florida, Mr. GRAHAM.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. I thank the Chair.

Mr. President, I rise to speak, as I did yesterday, on the latest appropriations conference report. Yesterday I expressed my concern about the Agriculture conference report, which contained within it $8.7 billion of designated emergency spending. Adding that $8.7 billion to $7 billion, which has previously been designated as an emergency, we have now spent almost $16 billion of the $21 billion that was originally estimated to be available as the non-Social Security surplus.

We are clearly on the path of exhausting the non-Social Security surplus in a series of incremental decisions, without focusing on how we might use this opportunity of significant surplus for fundamental national policy issues. This legislation contains an additional expenditure of emergency funds in the amount of $7.2 billion. With the adoption of this conference report, we will have fully exhausted the non-Social Security surplus and probably will also begin to lap into the Social Security surplus.

Mr. President, there was an interesting quotation in the press within the last 2 weeks by a leading figure in the German Government in 1991. He talked about missed opportunities and said that Germany, in 1991, as part of reunification, had a national opportunity to deal with some of their fundamental problems which would have built a stronger nation for the 21st century. But he went on to say: We promised the nation we could do reunification without pain; therefore, we were unable or unwilling to ask the country to take those steps that would have built a stronger Germany for the 21st century.

I regretfully say that I believe we are ''in 1991''; we are not in Germany, we are in the United States of America, and we are missing a similar opportunity to take some important steps that will strengthen our Nation, for precisely the same reason: We are unwilling to tell the American people the truth of what we are about, what the consequences are in terms of missed opportunities, and we are attempting to hide all of this under a cascading number of gimmicks and unique accounting. In my judgment, this Defense appropriations conference report adds to that book another significant chapter which will make it more difficult for us to deal with Social Security solvency, Medicare reform, and debt reduction—three priority issues challenging America.

What are some of the items in this Defense appropriations bill that raise those concerns? I have mentioned $7.2 billion listed as an emergency. What are the emergencies? Things such as routine operation and maintenance. Since the Bush administration, we have operated under a definition of what an emergency is which states that an emergency shall be ''spending which is necessary, sudden, urgent, unforeseen, and not permanent.'' Those five standards were developed by President Bush, not the current administration. Those are the five standards to which this Congress has adhered. How can anyone declare that operation and maintenance in the Department of Defense is not permanent, is unforeseen, and is a sudden and urgent condition?

Beyond that, we are also slowing payments to contractors in order to move $1.2 billion of those costs out of the fiscal year in which we are currently operating into fiscal year 2001. We are advance appropriating $1.8 billion for the same purpose. We are offsetting $2.6 billion of this bill's cost by assuming the same level of proceeds from spectrum auction sales. This bill relies upon a direction that has been given to CBO to change the manner in which CBO estimates outlays so that $10.5 billion will occur after fiscal year 2000.

I am about to leave for a meeting of the Finance Committee, and there is going to be an effort made there to overturn a congressional statute by directing the administration, through the Department of Health and Human Services, to change the method by which Medicare providers are compensated in order to increase spending to those providers by an excess of $5 billion—a violation of congressional statute, a timidity of Congress to deal with changing that statute, with the consequence that we are going to take over $5 billion off budget but directly out of Social Security surplus.

So I regret, as my colleague from Arizona did, I will have to vote ''no'' on this legislation. But while recognizing the extreme importance of the national defense that is funded through this legislation, I believe it is also important that we exercise fiscal discipline and that we not commit ourselves to a pattern of accounting and budgetary devices which obscures the reality of what we are doing, which denies us the opportunity to use this rare opportunity of surplus to build a stronger America for the 21st century, and which I think fails to face the reality of what our long-term commitments are going to have to be to secure our national defense.

So I regret my inability to support this legislation. I hope this will be a brief period in our American fiscal policy history and that before we complete the calendar year 1999, we will have an opportunity to revisit these issues with that higher standard of directness to the American people and a greater sense of importance of our protecting this rare period of fiscal strength and surplus, and we have to assure that America deals with its priorities as we enter the 21st century.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. While the Senator from Florida is here, I want to point out that we did use the spectrum concept in this bill. It was the administration that recommended that approach to the Congress, and we decided to use it in this bill.

Regarding the comments made both by the Senator from Florida and the Senator from Arizona about the payment schedule set forth in this bill, Congress had previously required the Department of Defense to pay sooner than required by the Prompt Payment Act. We have not reduced the amount of payments to be made to defense contractors; we have not changed, in any way, the contracts between those contractors and the United States. All we have said is the Department of Defense does not have to pay earlier than required by the Prompt Payment Act. It was the mandate to pay earlier that was causing a scoring problem, as far as the Department of Defense activities are concerned.

As a practical matter, what this does is deal with the average number of days within which payments are required under defense contracts. There is no reduction in the amount of money that would be spent, and there is no acceleration or deceleration of the rate at which it is to be spent; there is just no mandate that they have to pay sooner than is required by the Prompt Payment Act. Under the circumstances, we have not varied the

amount of money that would be spent for these contracts within fiscal year 2000; we have just not mandated that they be spent sooner than would otherwise be required by normal, sound business practices.

Having done so, we are dealing with the scoring mechanisms that apply to this bill, not how the payments are made to contractors. I do believe that the comments that have been made concerning the scoring mechanisms under this bill do not recognize the fact that it is extremely necessary for us to pursue ways in which we can assure the moneys are available to the Department of Defense, notwithstanding the extraordinary burdens we faced in this subcommittee on defense coming from the increased activities in South Korea, increased activities in the Persian Gulf, permanent personnel stationed in both Kuwait and Saudi Arabia, from the activities in Bosnia—and we still have forces in Bosnia, and now in Kosovo; we have permanent forces now in Kosovo. All of those forces and activities have required enormous funding. We still have forces in Haiti.

Under the circumstances, all of these extraordinary burdens on the Department of Defense require us to find ways in which we can assure money is there for modernization, maintenance, for increased pay to our people, and for assuring that we will continue with the research and development necessary to assure that this Nation will have a viable Department of Defense in the next century.

I do not deny that there are things in here with which people could disagree. I only wish they had tried to understand them. I would be perfectly willing to have any of them visit with us any time if they can show us that we have underfunded the Department of Defense. We have adequately funded the Department of Defense, and that was our intention. It was our intention to use every possible legal mechanism available to us to assure that there is more money available for the Department of Defense in the coming year in view of the strains that we have on the whole system because of these contingencies that we have financed in the past 3 to 4 years.

This has been an extraordinary period for the Department of Defense. I can think of only one instance where we received a request from the administration to budget for those extraordinary expenses. We have had to find the money, we found the money, and we have kept the Department of Defense funded.

I, for one, want to thank my good friend from Hawaii for his extraordinary friendship and capability in helping on that job. I say without any fear of being challenged on this, I would challenge any other two Members of the Senate to find ways to do this better than the two of us have done it.

I, without any question, recommend this bill to the Senate. Those who wish to vote against it, of course, have the right to do so. But a vote against this bill is a vote to not fund the Department of Defense properly in the coming year. If you want to nitpick this bill, you can.

The process of putting it together was the most extraordinary process I have gone through in 31 years. I don't want to go through a conference like that again. And I assure the Senate that we will not.

COMMERCIAL SATELLITE IMAGERY AND GROUND STATIONS TO THE U.S. MILITARY

Mr. BURNS. Can the Senator from Michigan discuss the importance of this bill regarding commercial satellite imagery and ground stations to U.S. military?

Mr. ABRAHAM. The funding provided in this bill for Eagle Vision mobile ground stations enables reception of additional commercial high-resolution satellite imagery sources and is critical to supporting our military forces in peace time and in war. The currently deployed system has proven its worth in U.S. military activities in Bosnia and Kosovo. It has helped our pilots better prepare for critical missions, while providing an extra measure of safety and security for our fighting men and women as they head into harm's way.

Mr. BURNS. I have heard that the National Reconnaissance Office has recently completed an improved mobile ground station. I believe that it was built for receiving high-resolution commercial satellite imagery, such as the recently launched Ikonos satellite that is owned by Space Imaging. Is that correct?

Mr. ABRAHAM. Yes. The most recently deployed Eagle Vision II mobile ground station has been fielded by the National Reconnaissance Office for use by the U.S. Army. It is a much improved system with even greater capability than the original Eagle Vision System built in 1995. Its enhanced mobility ensures rapid deployment and survivability, which is critical in meeting the current threats facing our military around the world. I am proud that a company from my state (ERIM International) has been the leader in developing and building this Eagle Vision mobile ground station capability.

The funding in this bill has been sought and provided to ensure that additional Eagle Vision systems will be built with state-of-the art mobile capabilities to meet the critical imagery needs of our warfighters in the future. This is an outstanding example of how American firms can effectively work in partnership with the U.S. military to provide state-of-the-art technology to protect our men and women in uniform.

Mr. BURNS. I thank the Senator from Michigan.

SECTION 8160

Mr. WARNER. Mr. President, I want to congratulate my dear friend, Chairman STEVENS, and the ranking member of the Appropriations Committee, Senator BYRD, for bringing to the floor a conference report that I know was reached through very difficult negotiations.

There is no doubt that the conference on the Fiscal Year 2000 Defense Appropriations Bill was the most contentious in recent history. As the Chairman of the Armed Services Committee, I am aware of the difficult decisions that had to be made to reach a consensus with the House, and I will vote in favor of the conference report.

Despite my over all support of this conference report, I must point out one provision in the bill that is fraught with danger. That provision is section 8160 which states: ''Not withstanding any other provision of law, all military construction projects for which funds were appropriated in Public Law 106–52 are hereby authorized.'' As all my colleagues are aware the Armed Services Committee has original jurisdiction for military construction and authorizes for appropriations each military construction project. In fact, the law requires that each military construction and military family housing construction project be both authorized and appropriated. The projects authorized in this conference report were not authorized in either the Senate or House Authorization Bills. The act of authorizing military construction projects in this conference report has a profound impact on the legislative process.

Senator STEVENS and I work closely in developing our respective bills. We have directed our staffs to share information and resolve differences in the bills before the Senate considers them. In fact, Chairman STEVENS commented in his floor statement on the Fiscal Year 2000 Defense Appropriations Bill that his bill mirrors closely the actions of the Armed Services Committee. This conference report is not consistent with that cooperation. It usurps the jurisdiction of the Armed Services Committee and may set a terrible precedent.

While the rules of the Senate do not allow us to correct this in this bill, I trust that Chairman STEVENS will acknowledge the jurisdiction of the Armed Services Committee over these matters and provide us his assurance that this conference report does not set a precedent and that military construction and military family housing projects will not be authorized in future appropriations bills.

Mr. STEVENS. Mr. President, I understand Senator WARNER's concerns and appreciate his support for the conference report. As the distinguished Chairman of the Armed Services Committee indicated, this was a very difficult conference. In order to assure the Senate's position on the most important national security issues, we agreed to other provisions that the Senate conferees would normally oppose. I assure my colleague that I respect the jurisdiction of the Armed Services Committee in these matters. I agreed to authorize the military construction projects only because it was

necessary to reach a final agreement. In my view, these actions do not set any precedent for future actions on appropriations bills. It is my hope and intention that this will not happen again in the future.

Mr. WARNER. I appreciate the assurance of my colleague and thank him for addressing this matter.

SECTION 8008

Ms. SNOWE. Mr. President, the National Defense Authorization Act for FY 2000 contains a provision allowing the Navy to apply up to $190 million in FY 2000 advanced procurement funding to the DDG–51 multiyear procurement contracts renewed by Section 122 of the same legislation.

Are my colleagues, the Chairman of the Appropriations Committee, the Majority Leader, and the senior Senator from Mississippi, aware of any provision of the FY 2000 Defense Appropriations Conference Report that conflicts with Section 122 of the FY 2000 National Defense Authorization Act?

Mr. STEVENS. Mr. President, I can tell the senior Senator from Maine that no provisions of the FY 2000 Defense Appropriations Conference Report conflict with the DDG–51 multiyear procurement contracts extension or the $190 million DDG–51 FY 2000 advance procurement provisions of Section 122 of the National Defense Authorization Act.

Mr. LOTT. Mr. President, I appreciate the efforts of the senior Senator from Maine initiating this colloquy, and I concur with the statement of the Chairman of the Appropriations Committee.

Mr. COCHRAN. Mr. President, I fully support the interpretation of my colleagues from Maine, Alaska, and Mississippi. The Navy has cost-effectively produced the DDG–51 destroyer program under a very successful multiyear procurement, and no provision of the Conference Report conflicts with Section 122 of the National Defense Authorization Act for Fiscal Year 2000.

Ms. SNOWE. I thank my colleagues for joining me in clarifying this critical shipbuilding matter.

INDIA/PAKISTAN SANCTIONS WAIVER

Mr. ROBERTS. Mr. President, I take this opportunity to thank Chairman STEVENS for his outstanding leadership during the long hours of debate leading to passage of the FY 2000 Defense appropriations bill. I especially thank the chairman for supporting Title IX of the act which permanently grants the President waiver authority over sanctions imposed on India and Pakistan. American business, workers, and farmers appreciate your efforts on this important economic and foreign policy provision.

Mr. STEVENS. Mr. President, I am very pleased this conference report provides the President permanent, comprehensive authority to waive, with respect to India and Pakistan, the application of any sanction contained in section 101 or 102 of the arms Export Control Act, section 2(b)(4) of the Export-Import Bank Act of 1945, or Section 620E(e) of the Foreign Assistance Act of 1961, as amended. This authority provides needed tools for the United States to be in a position to waive sanctions as developments may warrant in the coming months and years.

DIGITAL MAMMOGRAPHY

Mr. BENNETT. Mr. President, I commend Senator STEVENS for his work on the Defense Appropriations bill, and will support the passage of this legislation. Before the final vote, I would like to get some clarification on the Defense Health Science program that is funded in this bill. In the conference report, the Secretary of Defense in conjunction with the Surgeons General is to establish a process to select medical research projects. I see that a number of possibilities are listed in the bill. Is it the Senator's intent that the Secretary of Defense and the service Surgeons General will consider the programs listed in the conference report?

Mr. STEVENS. The Senator is correct.

Mr. BENNETT. One of the projects listed is digital mammography technology development. Advancing second generation imaging technology has the potential of increasing efficiency, reliability and lower costs, but would not be considered basic research. However, it seems appropriate that this type of project be reviewed. Is it the intent of the committee that this type of research and development program be included in the selection process?

Mr. STEVENS. Since the Secretary and Surgeons General are charged with setting up a peer reviewed process, it is up to them to determine the specifics of the selection process. However, the Senator is correct that many health benefits are a result from technology development. I expect adjustments in the peer review process could be made, as appropriate, to delineate between basic research or technology development programs to account for differences as long as projects are in keeping with the ''clear scientific merit and relevance to military health'' requirement set forth in the report.

Mr. BENNETT. I thank the chairman for the clarification, and for his efforts to address military health issues.

Mr. CLELAND. Mr. President, I will vote for the Defense Appropriations Conference Report because there is much in it that I strongly support, especially including funding for the essential pay and benefit improvements for our service men and women which had been created by the Defense Authorization bill. I will also cast an affirmative vote as a measure of my admiration and respect for the fine work done by the Senate conferees, who were ably led by the distinguished senior Senator from Alaska and the distinguished senior Senator from Hawaii. Without the hard work of Senator STEVENS and Senator INOUYE I would likely have had to oppose the final product of the conference.

The reason for my concern, and for my reluctant support for the Defense Appropriations Conference Report, is that, because of the adamant position of the House conferees, the conference report, in my judgment, seriously hampers the rational and cost-effective development and production of the Pentagon's highest-priority new weapons system, the F–22 aircraft. The slowdown in production will undoubtedly result in increased costs and the House conferees indeed have indicated that the final production level will likely have to be reduced to well below the currently planned 339 aircraft which would precipitously drive up the unit costs. The F–22, which has been under development for 16 years and has received close and ongoing testing and Congressional oversight, is absolutely critical to maintaining our air superiority into the 21st Century.

Once again, I would like to thank Senators STEVENS and INOUYE for producing the best result for the F–22 that could be obtained, given the position of the House. While the compromise is an impediment to the F–22 program, it is not fatal, and with some extra effort, plus some shifting of Air Force funding, the delays and higher costs can be minimized. Nonetheless, I think all Members of the Senate, especially the 56 other Senators who joined with Senator COVERDELL and me in writing to the conferees in support of the Senate's position on the F–22, must be on notice that we will face another, and perhaps even tougher, fight on the future of the F–22 next year and beyond.

In closing, I want to note that the work on this Defense Appropriations bill, and the preceding Defense Authorization bill has been marked by bipartisanship and pragmatism, resulting in the kind of national consensus and resolve which is perhaps the single biggest factor undergirding a nation's security. Unfortunately, this stands in stark contrast to what we saw yesterday, with the near-party line vote rejecting the Comprehensive Test Ban. I believe both parties bear some of the blame for that most unfortunate outcome. What I want to say today is that, beyond the Test Ban Treaty, beyond any specific dispute in national security policy, we in this body, as well as those in the House, and in the Executive Branch must, I repeat must, work to repair the partisan breach, and begin to recreate a bipartisan consensus on national security policy. I have some ideas along those lines which I will be sharing with my colleagues in the days ahead, but I think we can all take a lesson from the cooperative efforts of Senators STEVENS and INOUYE who have achieved that objective in the critical area of Defense Appropriations.

Mrs. BOXER. Mr. President, I oppose the large increase in defense spending called for under the fiscal year 2000 Department of Defense Appropriations bill. The final conference report increases defense spending by $17.3 billion over last year's bill—$7.2 billion of

which is declared as emergency spending and will come straight out of the surplus. At a time when Congress is slashing many important domestic programs, I cannot support an increase of this magnitude.

I do, however, want to express my strong support for the many good provisions that were included in this legislation. This bill includes funding for a needed pay raise of 4.8 percent for our military men and women and targeted bonuses to enhance recruitment and retention efforts. I was also pleased to see that the bill restores full retirement benefits for our personnel.

Nevertheless, I think it would have been possible to include these important provisions without substantially increasing the defense budget. The Department of Defense need only to look within to find these savings.

In January, the General Accounting Office found that auditors could not match about $22 billion in signed checks with corresponding obligations; $9 billion in known military materials and supplies were unaccounted for; and contractors received $19 million in overpayments. In April, a GAO study found that the Navy does not effectively control its in-transit inventory and has placed enormous amounts of inventory at risk of undetected theft or misplacement. For fiscal years 1996–98, the Navy reported that it had lost over $3 billion in in-transit inventory, including some classified and sensitive items such as aircraft guided missile launchers, night-vision devices, and communications equipment.

This bill also includes many unneeded items. In an effort to provide some fiscal responsibility to the defense budget, I offered an amendment to this bill that would have denied the Air Force the ability to lease six leather-seated Gulfstream executive jets for the regional commanders in chief (CINCs). Even though the military has hundreds of operational support aircraft, the main argument against my amendment was that leasing the Gulfstream jets would be cheaper than purchasing the jet favored by the CINC's—the more expensive Boeing 737s.

However, the final conference report not only includes the authority to lease Gulfstream jets, it also includes a $63 million Boeing 737 for the CINC of the Central Command. A recent article in Defense Week provides the details on how this unrequested jet was added to the bill.

Mr. President, I ask unanimous consent that this article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. BOXER. Mr. President, our men and women in the armed forces do a great job. From Kosovo to Korea, they prove that they are the best fighting force in the world. They deserve the pay raise and other important benefits that they have earned.

However, I cannot support the irresponsible spending that is included in this legislation and it is with regret that I must vote against it.

EXHIBIT 1

SIDESTEPPING BOSSES, FOUR STAR GENERAL LOBBIED FOR JETLINER

(By John Donnelly)

The U.S. commander in the Middle East recently went over the heads of his Pentagon bosses by persuading a key lawmaker to buy the military a $63 million jetliner which the Pentagon not only didn't request but explicitly opposed, Defense Week has learned.

On several occasions over the last year, Marine Corps Gen. Anthony Zinni told Rep. John Murtha (D–Pa.) how U.S. Central Command needs a new, bigger aircraft to replace the aging EC–135 that now ferries Zinni and his staff between their Tampa, Fla., headquarters and places such as Saudi Arabia and Pakistan, according to Murtha's spokesman and several congressional aides.

As a result, Murtha—the top Democrat on the House Appropriations Committee's defense panel and, like Zinni, a Marine—made sure money for a new Boeing 737–300 ER was inserted in the fiscal 2000 funding bill the House passed last July, Murtha's spokesman, Brad Clemenson, confirmed.

A four-star's advocacy of his command's needs, and a congressman's generosity, may not be scandalous. In fact, Zinni will have retired before the new plane arrives; and the aircraft arguably may be needed. But the incident illustrates one way the Pentagon's budget bloats: a general personally lobbying for money—in this case one of the biggest boosts to this year's Air Force procurement request—to buy a jet his employers had already said costs too much.

No 737 for any commander was in the Senate-passed appropriations bill or either the House- or Senate-passed authorization bills. This month, a House-Senate conference is scheduled to reconcile the two appropriations measures and decide whether to buy the 737.

Zinni's spokesman said the general did not ask for the 737, but only recounted his requirements in response to congressional queries. But that picture of a passive Zinni contrasts with those painted by numerous House officials, including Clemenson, Murtha's spokesman.

''Zinni did ask for the help, and Mr. Murtha was supportive of the request . . .,'' Clemenson said. ''I don't know if he asked specifically for [a 737–300 ER], but he asked for help.''

In the form of a bigger support aircraft? ''Yes.''

By sharp contrast, last March, Deputy Secretary of Defense John Hamre and Vice Chairman of the Joint Chiefs of Staff Air Force Gen. Joseph Ralston, in a study for Congress, said a Gulfstream V executive jet, not a 737, is ''the single aircraft most capable of performing the CINC [Commander in Chief of unified combatant commands] support role at significantly reduced costs. . . .''

The Joint Staff study conceded that Boeing 737–300 ERs alone meet all the commanders' payload requirements, as the chiefs themselves state them. But the report advocated the Gulfstream V, designated C–37A, because the 737s cost twice as much.

''However,'' the study said, ''on a one-for-one basis, the estimated 20-year total ownership cost . . . for the 737–300 ER is about double that of the C–37A.''

If a commander needs a bigger airplane, the Joint Staff said, then one can be provided from ''other DoD resources.''

What's more, the Pentagon's Hamre told Defense Week last May how, in internal budget battles, he had fought hard to overcome the regional commanders' desire for jets larger than Gulfstreams to replace their aging fleet of nine aircraft, mostly Boeing 707s. Hamre said he had to convince the 10 generals and admirals (including the boss of the U.N. command in Korea) that the Gulfstream Vs were adequate.

''The CINCs aren't happy they have to live with a 12-passenger aircraft,'' Hamre said of the Gulfstream Vs. Most of the 707s the CINCs now fly seat 45. By comparison, the 737–300 can fit up to 128 passengers, depending on the configuration.

''I'll be honest,'' Hamre said. ''It was hard pulling this off. We said [of the Gulfstream, or G–V]: 'That's good enough: It can get you to the theater, it can get you back and you'll be in constant communication with your battle staff.' So we sent up a report this spring saying the right answer is a G–V.''

Having lost the battle inside the Pentagon, Zinni appears to have sought to win it on Murtha's House panel. If Zinni made a similar case to the other three defense committees, he wasn't successful. If other commanders waged a similar campaign on Capitol Hill, no word of it has emerged.

RESPONSE TO QUERY

Lt. Cdr. Ernest Duplessis, a spokesman for the U.S. Central Command chief, or CINCCENT, said: ''Gen. Zinni never made a request for a 737 or any specific aircraft. Nor did he ask to have his own individually assigned aircraft. Rather, he provided his requirements when asked. . . .

''Gen Zinni has said he would accept the Gulfstream V with noted reservations about the suitability of the plane to the CINCCENT mission,'' Duplessis said. ''His shortfalls were identified in response to questions from the House Appropriations Committee.'' Duplessis declined to name any lawmakers involved.

However, several congressional aides said that, if Murtha asked Zinni questions, they were likely to have originated as broad queries about overall needs, not questions about CINC-support aircraft. They said Murtha almost certainly didn't ask Zinni out of the blue if Zinni would like a new airplane.

According to Clemenson, last Christmas Eve Murtha and Zinni discussed U.S. Central Command's purported need for a larger support aircraft with Secretary of Defense William Cohen during a flight home from Saudi Arabia. In addition, aides said Zinni and Murtha also talked about it last February during a ''courtesy call'' Zinni paid to Murtha's office just prior to the general's annual testimony before the House defense-spending panel.

''It's something that's been talked about in a number of contexts for a number of years here,'' Clemenson said.

Regardless of how the subject first came up, Zinni's portrait of the shortfalls of the Gulfstream Vs and the advantages of a larger aircraft ran counter to the Pentagon's hard-fought policy favoring Gulfstream Vs for the commanders, whatever their personal misgivings.

NOT A STATED PRIORITY

The Joint Staff recommendation in favor of Gulfstreams came after the fiscal 2000 budget request went to Congress in February. The request contained no Gulfstreams, let alone 737s.

Nor were Gulfstreams or 737s included on any of this year's lists of ''unfunded requirements,'' sometimes called wish lists—programs not in the budget request but ones that the service chiefs consider important.

Both the budget request and the wish lists are supposed to include the top requirements of chiefs such as Zinni, though some say the lists don't always include all key needs.

Nonetheless, Zinni and Murtha believe the U.S. Central Command chief, based at

MacDill AFB, Fla., has a unique requirement for a large aircraft to replace the current EC–135, which is a 1962 airplane. The CINCENT must travel 8,000 miles to his conflict-ridden theater and must have the communications gear, staff and combat equipment to be able to perform a ''full contingency operation,'' Duplessis said. To avoid delays, the aircraft must be able to make it that distance without landing to refuel.

The Senate-passed defense-appropriations bill, though it did not fund Gulfstreams or 737s, did give the Air Force legislative authority to lease, not buy, support aircraft, which the Air Force has said means six Gulfstreams.

However, even the plan to lease the smaller, cheaper Gulfstreams triggered a controversy on Capitol Hill.

Several lawmakers have criticized the purchase or lease of luxury jets for four-stars while, at the same time, many in uniform subsist on food stamps, aircraft are short on spare parts and other needs go unmet.

In addition, some in Congress point out that the military already has hundreds of domestic ''operational support aircraft,'' which the General Accounting Office in 1995 said exceed actual needs. In addition to the CINC fleet, the Air Force alone has 11 Gulfstreams, three 727–100s, two 747s, four 757s and 70 Learjets. The other services have their own, smaller fleets. The GAO said the services do not share these assets effectively.

Rep. Peter DeFazio (D–Ore.) believes some of these stateside aircraft, if not needed domestically, should be provided to the CINCs. If a plane's range is not sufficient for intercontinental flight, he says, it should be sold to corporate executives to finance the purchase of any new, larger jets for the four-stars.

Sen. Tom Harkin (D–Iowa), a member of the Senate Appropriations Committee's defense panel, told Defense Week recently that the need for the existing fleet must be demonstrated before Congress signs up for new aircraft, whether Gulfstreams or 737s.

''Before buying these jets, Congress needs to get a lot more information as to the military's requirements for executive aircraft,'' he said.

Mr. FEINGOLD. Mr. President, I rise today to voice my strong opposition to the fiscal year 2000 Department of Defense Appropriations conference report.

Back in June, I lamented the Senate's unwillingness to scrutinize the Pentagon's profligate spending. During the Senate's debate of the DoD appropriations bill, we had exactly two amendments worthy of extensive debate. Two amendments, Mr. President. Here we have a defense policy that perpetuates a cold war mentality into the 21st century, and the Senate gave the Defense Department a pass.

Now we come to the conference report. I took some satisfaction from the F–22 drama that played out in conference, but the final act was rather predictable. Other than the F–22 program, however, did anyone question the Pentagon's continuing failure to adapt its priorities to the post-cold-war era? Clearly not.

And who is left to pay for this $268 billion debacle? Who else but the American taxpayers.

The Senate debated recently the wisdom of using across-the-board spending cuts as a budget tool.

This conference report is the best argument against that strategy. We need look no further than this bill to find billions of dollars in wasteful spending that could be cut to avoid reductions in programs that are truly justified—including Defense Department programs.

As we did last year, we are again in danger of breaking the spending caps agreed to in 1997, and as the distinguished Chairman of the Appropriations Committee was reported to have said, military spending will be the force that breaks them.

This bloated bill contains billions of dollars in spending that is simply unjustified. It spends even more than was requested by the Pentagon, a level that was already too high.

Let me take just one example—the tactical aircraft programs.

My opinion on the Navy's F/A–18E/F program is well known. I have not been shy about highlighting the program's myriad flaws, not least of which are its inflated cost with respect to its capabilities.

I have to admit, though, that the Super Hornet program can claim to build on a solid foundation, in the form of the reliable, cost-effective Hornet. The Air Force's F–22 program, on the other hand, is a brand new program. It is the most expensive fighter aircraft in the history of the world and arguably the most complex, yet it completed just 4 percent, or about 183 hours, of its flight test program before the Pentagon approved $651 million in production money. The completed flight test hours were about a quarter of the Air Force's own guidelines. In comparison, the F–15 flew for 975 hours before a production contract award; the F–16 for 1,115 hours; and even the much-flawed Super Hornet had 779 flight test hours before a production contract was awarded. Let me remind my colleagues that the flight test program hasn't even tested the aircraft's much-touted stealth or its electronics capabilities.

My primary concern with this program is its cost. This cold war anachronism will cost about $200 million a copy. Add this program's cost to the E/F and the Joint Strike Fighter, and we have a $340 billion fiscal nightmare on our hands. We cannot afford this. CBO knows it; GAO knows it; the CATO Institute knows it; the Brookings Institution knows it. The Congress, however, cannot seem to figure it out.

I know that some folks will talk about how this conference report puts the program under greater scrutiny and that it delays the aircraft's production, but let's be honest. Barring the discovery, and admission, of some enormous flaw, this conference report holds off the inevitable for just a year. This report postpones production of the Air Force's F–22 fighter plane until April 2001, but refrains from eliminating the program, as was done by the House.

The report provides $1.9 billion to purchase up to six planes, under the scope of research and development and testing and evaluation. It even spends $277 for advanced procurement. That is something. The program is supposed to be under a microscope, but we still put up more than a quarter of a billion dollars for advanced procurement. If that is not a clear indication of the plane's future, I do not know what is. And just to cover both ends, the report establishes a $300 million reserve fund to cover any liabilities the Air Force might incur as a result of terminating the program's contracts. That's an awfully generous insurance policy given the trouble we're going through to fund other important programs, like veterans health care and education.

As long as we are talking about money, I would like to take this opportunity to Call the Bankroll on the money that has poured into the coffers of candidates and political party committees from the defense contractors who have mounted a huge campaign to keep the F–22 alive.

First, we have defense contracting giant Lockheed Martin, the primary developer of the F–22. Lockheed Martin gave nearly $300,000 in soft money and more than $1 million in PAC money in the last election cycle.

During that same period, Boeing, one of the chief developers and producers of the F–22's airframe, gave more than $335,000 in soft money to the parties and more than $850,000 in PAC money to candidates.

Then there are the subcontractors for the F–22, who account for more than half the total dollar value of the project.

Four of the most important subcontractors, according to the F–22's own literature, are TRW, Raytheon, Hughes Electronics and Northrop Grumman.

And I guess it should come as little surprise to us to find that these major subcontractors also happened to be major political donors in the last election cycle.

Raytheon tops this list with nearly $220,000 in soft money and more than $465,000 in PAC money.

Northrop Grumman gave more than $100,000 in soft money to the parties and more than $450,000 in PAC money to candidates.

Hughes gave nearly $145,000 in PAC money during 1997 and 1998, and last but not least, TRW gave close to $200,000 in soft money and more than $235,000 in PAC money.

The F–22 program, and TacAir in general, highlights the Defense Department's flawed weapons modernization strategy. And today I Call the Bankroll to highlight how the corrupt campaign finance system encourages that flawed strategy—by creating an endless money chase that asks this body to put the interests of a few wealthy donors ahead of the best interests of our national defense.

The flawed strategy makes it impossible to buy enough new weapons to replace all the old weapons on a timely basis, even though forces are much smaller than they were during the cold

war and modernization budgets are projected to return to cold war levels. Consequently, the ratio of old weapons to new weapons in our active inventories will grow to unprecedented levels over the next decade.

Subsequently, that modernization strategy is driving up the operating budgets needed to maintain adequate readiness, even though the size of our forces is now smaller than it was during the cold war. Each new generation of high complexity weapons costs much more to operate than its predecessor, and the low rate of replacement forces the longer retention and use of older weapons. Thus, as weapons get older, they become more expensive to operate, maintain, and supply.

Supporting the Defense Department's misguided spending priorities is not synonymous with supporting the military.

Mr. ROBB. Mr. President, I fully support a significant increase in defense spending, and I support the core of the defense appropriations bill we're considering today. Indeed, it includes many critical provisions—including pay and benefits changes—that I and my colleagues on the Senate Armed Services Committee worked hard to pass in the defense authorization bill. For that matter, this bill includes many projects important to the Commonwealth of Virginia that were included in the authorization bill. But this is simply not the way we should legislate. Tacking extraneous provisions onto necessary legislation is exactly what fuels the cynicism of the American people.

I have regularly supported Congressional increases to the defense budget. But this legislation is a perfect example of what's wrong with the Congress. And it reinforces the need for a line-item veto. The bill contains the usual billions of dollars of congressional spending not requested by the Department of Defense. My colleague from Arizona, Senator MCCAIN, observed earlier this morning that some $6 billion in unrequested pork are part of this bill—perhaps the largest amount of unrequested pork ever. This is money that could have gone toward desperately needed improvements in our national defense, including more training, more spares and ammunition, more maintenance, and better quality of life for our soldiers, sailors, airmen and marines.

But beyond spending on unneeded projects, the bill employs some budget gimmicks that make a mockery of fiscal discipline. The bill designates—arbitrarily—$7.2 billion as emergency spending just to avoid the pain of dealing with the budget caps. I believe we ought to make the tough decisions to keep our spending under control. But if the Congress cannot discipline its spending, it ought to be forthright and acknowledge what it is doing. Avoiding hard choices with smoke and mirrors, however, is not responsible governing.

The bill authorizes 15 military construction projects that the Armed Services Committee decided not to authorize in its conference report. The authorization of military construction projects is the responsibility of the Senate Armed Services Committee. As a member of the Armed Services Committee, I serve as the Ranking Member on the Readiness Subcommittee, where military construction matters are considered. We have been successful in limiting military construction spending to projects that meet certain strict criteria—including whether the military plans to build these facilities at some point in their future years defense plan. The appropriations bill added 15 projects, of which at least half were not even on the Pentagon's books for eventual construction. Only the Armed Services Committee, with its longer-term, policy-oriented focus, can avoid this kind of spending that does little to improve the capabilities of our armed forces.

For these reasons, I will reluctantly vote against this bill knowing it will pass overwhelmingly. Since I know the bill will pass, my vote will not jeopardize national security. It will not preclude the Department of Defense from spending the additional funds included in the bill to provide more pay and benefits, more spare parts, increased training, and better maintenance. As I said before, I have fought long and hard to see those increases in the defense authorization bill. And if my protest vote would determine the outcome, I would act differently. But voting against this bill is one of the few means I have available to register my protest forcefully. I simply cannot acquiesce to a process which misdirects funds crucial to our national security to those who are seemingly more interested in their political security. No one should doubt my commitment to a strong national defense, but no one should doubt my commitment to fiscal responsibility as well. We cannot continue to squander so much of our scarce resources on unnecessary pet projects when our needs for improved readiness are so great. And as I stated when I voted against the pork-laden Kosovo supplemental earlier this year, just because we have troops in harm's way does not give us an excuse to go on a spending binge.

Hope springs eternal. Hopefully next year we can stem the pork, avoid the gimmicks, and respect long-standing committee jurisdictions.

Mr. LAUTENBERG. Mr. President, as a member of the Defense Appropriations subcommittee and the conference committee which produced this bill, I am prepared to join with most of my colleagues in voting for its adoption.

However, I feel I have a responsibility to raise several serious concerns and reservations about this conference report.

First, I am concerned that we as a nation are not allocating our defense dollars as effectively and efficiently as we could to meet future needs.

Defense programs sometimes seem to take on lives of their own. They are sustained and even expanded year after year, even if we would not include them in a truly zero-based budget designed to address our top priorities.

The Pentagon, and we in Congress, need to ensure that we are giving due priority to real national security needs, particularly opportunities to reduce the risk of conflict, the growing scourge of terrorism, and emerging threats like chemical and biological weapons and cyberwarfare.

We need to ask the tough questions, like whether it makes sense to devote billions to accelerating multiple missile defense programs which can be circumvented.

My second concern is what I can only describe as budget sleight of hand.

This bill is within its allocations, but it would not be if the Congressional Budget Office was simply allowed to do its job. But the political maneuvering forced arbitrary changes to paint a prettier, but fictional picture. The Budget Committees simply directed CBO to revise the numbers downward. This is far more than a minor accounting issue.

CBO indicates that its estimates include a $2.6 billion reduction in Budget Authority—the adjustment for spectrum sales—and reductions totaling $13 billion in outlays at the forced direction of the Budget Committees' leadership. We should not fool the public about whether that $13 billion will actually be spent this fiscal year—it will be!

We should not be blind-sided by these or other gimmicks through which the majority will claim not to be spending the social security surplus.

Earlier this year, many of my colleagues questioned whether certain funding has properly been declared ''emergency'' spending, which means it's a unique expenditure not subject to the budget caps that are supposed to control our spending. How do these cynics feel about the $7.2 billion in Operations and Maintenance funds which this conference report would declare an emergency?

This year's Budget Resolution adopted by the majority party which is now in charge even included a requirement that any emergency spending be fully justified in the accompanying report. But the conference report before us simply ignores that requirement. Can anyone with a straight face answer the questions the Budget Resolution would pose? Would they say it in front of a group of accountants or financial analysts? Would they tell their sons or daughters to run their finances that way?

Is this Operations and Maintenance spending, much of it requested by the President and funded in prior years, ''sudden, quickly coming into being, and not building up over time''? Is it ''unforeseen, unpredictable, and unanticipated''?

An emergency designation such as this in another appropriations bill would be subject to review by the Senate which could only be waived with 60

votes. However, the majority apparently anticipated this emergency because they exempted defense spending from the point of order.

My third major concern is what we call the top-line, though most Americans would call it the bottom line. This bill weighs in at $263 billion in new budget authority. That is over $3 billion more than the Defense Appropriations bill passed by the Senate and over $17 billion more than we spent on defense last year. These numbers come straight out of the conference report.

I would not deny that we need to address readiness concerns and modernize our armed forces. We live in an uncertain world, a world which has become more dangerous through this body's rejection of the Comprehensive Test Ban Treaty last night.

Can the dramatic increase in defense spending stand at this level while we starve other pressing needs in education, crime prevention, health care, and so many other areas?

I am not sure we can. So while I am prepared to vote for this bill today, I would urge President Clinton not to sign it into law until and unless other appropriations bills have reached his desk with sufficient funding levels to meet America's needs.

If this can be accomplished without simply resorting to more budgetary sleight-of-hand—and I sincerely hope we can do this—then I hope this bill will become law.

Mr. STEVENS. Mr. President, to my knowledge, there is no further Senator seeking time on the bill. I ask that we have a quorum call for a slight period to confirm the report that there are no other Senators wishing to speak. But if there are none within the next 5 or 6 minutes, I will ask the Senate to defer this matter according to the previous order. I will do that at 10:30, unless someone seeks time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I want to join my good friend from Hawaii in thanking our staff. Again, I can't remember in the time that I have served on the Appropriations Committee a more difficult period in terms of getting this bill to where it is in order to send it to the President. We fully expect it to be signed.

Without Steven Cortese and Charlie Houy and the people who work with them, both Republican and Democratic staffs on our committee, this would not have been possible. They have worked weekends. They have worked into the night. They have been on call at the oddest hours I think we have ever had in terms of dealing with this bill.

I sincerely want to thank them all and tell the Senate that this staff is primarily responsible for this bill being before the Senate today because of their hard work and their determination to make it come out right.

I thank them all.

I am now told that it has been confirmed there are no requests for time; therefore, I ask unanimous consent that there be no further time on this bill until the matter is called up for a vote by the leader according to the previous order.

The PRESIDING OFFICER. Without objection, the time is yielded.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Resumed

The PRESIDING OFFICER. All time on H.R. 2561 having been yielded back, the Senate will now return to the pending business, which the clerk will report.

The legislative assistant read as follows:

A bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign finance reform.

Mr. MCCAIN. Mr. President, we now begin debate again on an issue which is important to the American people. Before I begin my opening statement, it is my understanding that the Senator from Kentucky will manage on his side and I will manage on this side, along with the Senator from Wisconsin; is that correct?

Mr. REID. What is the request? Our side will be managed by the ranking member of the Rules Committee.

Mr. MCCAIN. In support or opposition?

Mr. REID. We have the bill up and we are going to be managing for the minority, the ranking member of the Rules Committee.

Mr. MCCAIN. Mr. President, it is customary with a piece of legislation when the sponsors of the bill are on the floor they manage the conduct of the legislation and the opposition manages the other. If the Senator from Nevada has other desires, I guess we can worry about it later on, but that is the way it has been in this debate.

Before I begin my remarks, I recognize a very unusual, incredible and great American, a true patriot, an incredible woman who is 89 years of age, named Doris Haddock.

Doris, known to all of us, and now millions of Americans, as ''Granny D,'' began her walk months ago, beginning in the State of California. She has now arrived in the State of Tennessee. I believe she represents all that is good in America. She, at the age of 89, has taken up this struggle to clean up American politics. We are honored by her presence. She is in the gallery today, and we thank her for her commitment to open, honest government of which the American people can be proud.

So, ''Granny D,'' you exceed any small, modest contributions those of us who have labored in the vineyards of reform have made to this Earth. We are grateful for you. We ask you not to give up this struggle because we know that we will prevail.

Mr. President, on December 6, 1904, Theodore Roosevelt, addressing the people of the United States, said:

The power of the government to protect the integrity of the elections of its own officials is inherent and has been recognized and affirmed by repeated declarations of the Supreme Court. There is no enemy of free government more dangerous and none so insidious as the corruption of the electorate. No one defends or excuses corruption, and it would seem to follow that none would oppose vigorous measures to eradicate it. The details of such law may be safely left to the wise discretion of the Congress.

So said President Theodore Roosevelt in his fourth annual message delivered from the White House on December 6, 1904.

On August 31, 1910, Theodore Roosevelt said:

Now this means that our government, national and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics.

That is one of our tasks today.

And he goes on.

Some things obviously never change, such as the cycles of American politics. In 1907, thanks to the efforts of Theodore Roosevelt, a law was passed in Congress that banned corporate contributions to American political campaigns. I do not pretend to be as eloquent as Theodore Roosevelt was in that campaign against the influences of special interests on American politics. Suffice it to say, he succeeded. He succeeded in getting through Congress a law, which still remains on the statutes, that outlaws corporate contributions to American political campaigns.

In 1947, the Republican-controlled Congress of the United States outlawed union contributions to American political campaigns. And after the Watergate scandal of 1974, further limitations were placed on the influence of special interests in American political campaigns.

It is now legal in America for a People's Liberation Army-owned corporation in China, with a subsidiary in the United States of America, to give unlimited amounts of money to an American political campaign. That is wrong. It is wrong and it needs to be fixed.

The pending legislation is very simple. It does only two things: first, it bans Federal soft money and, second, it

codifies the Beck decision. Soft money is the unlimited 6- and 7-figure contributions that now go into American political campaigns.

In the past, my colleague from Wisconsin and I have offered comprehensive campaign finance legislation. That measure was widely debated and many on this side of the aisle expressed criticism of certain provisions in the bill. As a result, we have taken a new approach, a simpler approach. We only seek to ban soft money, those big checks of ten thousand, one hundred thousand, and even one million dollars that powerful special interests use like clubs to make their narrow voices heard so loudly in the great chamber, and to codify the Beck decision. We leave all other issues off the table and instead would hope such matters could be dealt with in the amending process. And as such I implore my colleagues to come down to the floor, debate and offer amendments, and let us move forward on this simple, common sense and urgently needed reform.

I want to express my sincere hope that before this debate is over that we will have either passed this measure or will have come to agreement on how to move forward constructively on this very important subject.

Before I go on, I want to assure the Senator from Kentucky that I respect his opposition. I neither question his motives nor his integrity. He is a man who is willing to stand up and fight for what he believes in. The conduct of the debate in previous years has been characterized by mutual respect for the ideas and proposals of either side. I know I speak for the Senator from Wisconsin. I think it is important we maintain this debate on that level. I know we will do so as we have in the past.

Mr. President, will the banning of soft money clean up our elections completely? Of course not. But it is an important first step. Should more be done? Absolutely. For that reason, I hope we can engage in a constructive debate that addresses the concerns of senators from both parties who are sincerely interested in achieving genuine reform. We have an obligation—a duty—to at least close the most politically pernicious loophole in campaign finance law.

Let me stress at the outset, before reform opponents falsely charge proponents with an assault on the first amendment, that this legislation does not ban political speech, it is in truth about saving it. I want to protect the hard earned $100 contribution given by the small town business owner or union machinist to his or her Congressman. I want to protect the contribution of the local supporter, the little guy. The hard earned contribution given to a candidate by a voter, with a firm handshake and an honest look right in the eye and the expectation of good government, not a special corporate tax loophole or million dollar IOU to a union boss.

What this fight is all about is taking the $100,000 check out of American politics for good. It's about putting the little guy back in charge, and freeing our system from the corrupting power of the special interests bottomless wallet. It's about forcing our government to pay attention to the little guy, those people who actually cast votes to elect us, and not just to the richest in corporate America or the powerful union bosses.

We are blessed to be Americans, not just in times of prosperity, but at all times. We are a part of something noble; a great experiment to prove to the world that democracy is not only the most effective form of government, but the only moral government. And, at least in years past, we felt more than lucky to be Americans. We felt proud.

But, today , we confront a very serious challenge to our political system, as dangerous in its debasing effect on our democracy as war and depression have been in the past. And it will take the best efforts of every public-spirited American to defeat it.

The threat that concerns me is the pervasive public cynicism that is debilitating our democracy. When the people come to believe that government is so corrupt that it no longer serves their ends, basic civil consensus will deteriorate as people seek substitutes for the unifying values of patriotism.

A poll taken this July found that more than twice a many Americans—64 percent—feel disconnected from government as compared to those who feel connected to it. More than half of Americans—55 percent—refer to ''the government'' rather than ''our government.'' Mr. President, as elected officials, we should find this trend alarming.

We are a prosperous country, but many Americans, particularly the young, can't see beyond the veil of their cynicism and indifference to imagine themselves as part of a cause greater than their self-interest. This cynicism in younger Americans is particularly acute. Among younger Americans—those 18–34—69 percent feel disconnected from the government with one in three of that 69 percent feeling ''very disconnected.''

This country has survived many difficult challenges: a civil war, world war, depression, the civil rights struggle, a cold war. All were just causes. They were good fights. They were patriotic challenges.

We have a new patriotic challenge for a new century: declaring war on the cynicism that threatens our public institutions, our culture, and, ultimately, our private happiness. It is a great and just cause, worthy of our best service. It should not, and neither I nor my friend from Wisconsin will allow it to, be casually dismissed with parliamentary tactics.

Those of us privileged to hold public office have ourselves to blame for the sickness in American public life today. It is we who have squandered the public trust. We who have, time and again, in full public view placed our personal and partisan interests before the national interest, earning the public's contempt for our poll-driven policies, our phony posturing, the lies we call spin and the damage control we substitute for progress. It is we who are the defenders of a campaign finance system that is nothing less than an elaborate influence peddling scheme in which both parties conspire to stay in office by selling the country to the highest bidder.

All of us are tainted by this system, myself included. I do not make any claims of piety. I have personally experienced the pull from campaign staff alerting me to a call from a large donor. I do not believe that any of us privileged enough to serve in this body would ever automatically do the bidding of those who give. I do not believe that contributions are corrupting in that manner. But I do believe they buy access. I do believe they distort the system. And I do believe, as I noted, that all of us, including myself, have been affected by this system.

The opponents of campaign finance reform will tell you the voters do not care. They are wrong. Most Americans care very much that it is now legal for a subsidiary of a corporation owned by the Chinese Army to give unlimited amounts of money to American political campaigns. Most Americans care very much when the Lincoln bedroom is rented out to the highest bidder. Most Americans care very much when impoverished Indian tribes must pay large sums of money to have their voice heard in Washington. If their outrage seems muted, it is only because they have resigned themselves to the sad conclusion that this cancer on the body politic is incurable.

I think most Americans understand that soft money—the enormous sums of money given to both parties by just about every special interest in the country—corrupts both politics and government whether it comes from big business or from labor bosses and trial lawyers. It seizes the attention of elected officials who then neglect problems that directly affect the lives of every American. That is something about which each of us should care deeply.

Americans care deeply about reforming our Tax Code, improving education, reducing the size of Government, about improving our national security, and many other pressing national issues. But, fundamental reform is not possible when soft money and special interests demand a higher return on their political investments.

Most Americans believe we conspire to hold on to every political advantage we have, lest we jeopardize our incumbency by a single lost vote. Most Americans believe we would pay any price, bear any burden to ensure the success of our personal ambitions—no matter

how injurious the effect might be to the national interest. And who can blame them when the wealthiest Americans and richest organized interests can make six figure donations to political parties and gain the special access to power such generosity confers on the donor.

The special interests will tell you that the fight to limit soft money is an attack on the first amendment. They are wrong. They are entirely wrong. The courts have long held that Congress may constitutionally limit contributions to campaigns and political parties.

In the 1976 Supreme Court case Buckley versus Valeo the Justices affirmed Congress' right to uphold contribution limits in the name of preventing, and I quote, ''corruption and the appearance of corruption spawned by the real or imagined coercive influence of large financial contributions on candidates' positions and their actions.''

The Roger Tamrazes of the world, big tobacco, the labor unions, the trial lawyers, the corporate giants, and the endless number of special interests that grease their agenda with soft money know precisely what the court was saying.

Stopping corruption and the appearance of corruption was why in 1907, under the leadership of Republican President Teddy Roosevelt, corporations were barred from giving directly to political campaigns. Labor unions were similarly bound in 1947. Both of these bans have survived all court challenges and remain the law of the land—which is why claims that corporate and labor soft money is constitutionally protected are so absurd.

Stopping corruption and the appearance of corruption was why, in 1974, individual political action committee donations were limited. Should these amounts—and those limits on individual donors—be raised 25 years after they were enacted? Yes, they probably should. But that is reason for us not to engage in filibuster and obstruction and instead engage in constructive dialogue and the normal amendment process.

Stopping corruption and the appearance of corruption is why we must now close the loophole that allows unlimited amounts of soft money to overflow political coffers. Without the big dollar ''quid'' of soft money in the electoral process, there can be no legislative ''pro quo'' that neglects the national interest in favor of big donors. That is precisely what the Supreme Court had in mind in Buckley versus Valeo.

Some of my fellow Republicans have criticized my campaign finance reform proposals because they believe it leaves unaddressed the problem of union dues being used for political purposes against the wish of individual workers. I agree this is a problem that should be addressed, just as we should address the issue of corporate money being used for political purposes against the wish of stockholders. This legislation does seek to address that issue. First, as I have noted, the legislation codifies the Beck decision. And second, when we ban soft money, we are also banning union soft money. Let me emphasize this point. When we ban soft money, we are also banning union soft money spending which will have a dramatic effect on union influence in elections. Unions spend a great deal of soft money, most of it directed to elect Democrats and defeat Republicans. This bill will reduce that spending.

I have advocated codifying the Supreme Court's landmark Beck decision in which the court affirmed the right of nonunion workers to bar union dues they are forced to pay from being used for political purposes and to have that money returned to them. The Clinton administration has issued regulations that emasculate this rule. I believe it should be codified and enforced.

What could be more un-American, what could be more antithetical to the tenets of free political speech, than forcing workers to pay dues for election and political activities they oppose. The Beck decision should be codified, enforced, and even expanded. I would strongly support a commonsense expansion of Beck. And at the same time, we should find some mechanism to ensure that corporate contributions reflect the wishes of individual stockholders in a manner that mirrors what we do for unions.

If we can come to an agreement regarding the consideration of campaign finance reform in a fair manner, I am confident we could do much more to address the problems associated with labor union involvement in the political process.

If my colleagues believe more needs to be done, I would be pleased to entertain any legitimate ideas. However, to be clear, I will oppose any ideas that are meant merely to poison—or kill—any real possibility of enacting into law election reforms.

The sponsors of this legislation claim no exclusive right to propose campaign finance reform. We have offered good, fair, necessary reform but certainly not a perfect remedy. We welcome good faith amendments intended to improve the legislation.

But I beg my colleagues not to propose amendments designed to kill this bill by provoking a filibuster from one party or the other. If we cannot agree on every aspect of reform; if we have differences about what constitutes genuine reform, and we hold those differences honestly—so be it. Let us try to come to terms with those differences fairly. Let us find common ground and work together to adopt those basic reforms we can all agree on. That is what the sponsors of this legislation have attempted to do, and we welcome anyone's help to improve upon our proposal as long as that help is sincere and intended to reach the common goal of genuine campaign finance reform.

In closing, I reiterate that I believe we can work together. I believe the majority of the Members of this body realize that reform is necessary. I think we now have an opportunity to amend, to debate, and to come together. I hope we can achieve that goal.

In closing, I again thank my friend from the State of Wisconsin. My friend from the State of Wisconsin recently has felt a certain sense of loneliness because he has attempted to move this process forward in a fair, equitable, and reasonable fashion. The Senator from Wisconsin has shown his political courage. It has been a great honor and privilege for me to have the opportunity of working with him, and many others, in the cause of campaign reform.

Mr. President, I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I am very pleased the Senate is once again going to consider campaign finance reform.

I thank the senior Senator from Arizona. We have been at this effort now for almost 5 years. He has done so much, particularly in the last year, to raise this issue, not only within this body but throughout America. It has made an incredible difference in terms of the public's understanding, particularly of the problem soft money causes.

I also take note of one other Senator. There are many who have worked so hard on this, but I simply have to note the extreme dedication, hard work, and effectiveness of the Senator from Maine, SUSAN COLLINS, who has devoted herself to this cause as well.

This is not only a crucial issue to the health and future of the Congress but also for our democracy itself. My colleagues know it is my strong belief that this issue affects virtually everything we do in this Chamber.

I have spoken about the need for reform numerous times this year—15 times. Today is the 16th—on the Department of Defense appropriations bill. I call this the ''calling of the bankroll'' on specific campaign contributors with an interest in the bills we have considered.

Now the Senate has finally a chance to act. I am hopeful, as we begin this debate, that we can reach a consensus during the next few days and pass a campaign finance reform bill the House can accept and the President can sign.

This debate will undoubtedly be difficult and unpredictable. Unlike in past years, though, I hope this will not be a scripted debate where everyone basically knows the outcome in advance. We do not know exactly what is going to happen. We apparently are going to have the opportunity to offer and vote on amendments. We are going to legislate, not just make speeches for a couple of days and use parliamentary tactics to block reform. We are going to actually try to pass a bill.

I urge my colleagues, on both sides of the aisle, to keep an open mind and remember that what we are doing here

will affect all Americans. Every one of our constituents, every citizen in this country, has an interest in the health of our democracy. We have a great responsibility here, and I hope we are up to it.

There are many things wrong with our current campaign financing system. I hope this body will grapple with that system in a comprehensive way at some point—sooner rather than later.

For me—and I do not speak for anyone else—I believe ultimately we should move to a system of public financing of elections to free candidates from the demands of fundraising and free the legislative process from the influence of special interests.

I favor giving candidates more access to the airwaves at reduced cost so they can get their messages out to the public without having to spend all this time raising money. I believe the groups that run ads that attack candidates within a month or even a few days of an election should have to report their contributors and their expenditures, just as a campaign committee has to do.

This is the key point: It is clear that this Senate—I emphasize, this Senate—will not pass a comprehensive bill to deal with all or even most of the problems with the current system. We have known this for some time. In fact, the bill we considered in the last Congress was even significantly narrower than the comprehensive bill Senator MCCAIN and I first introduced in 1995. But during our 5-year effort, it has become more and more clear that soft money is the biggest loophole in this system and perhaps the most corrupting aspect of the system.

Soft money has exploded during those 5 years to the point where many Americans believe—and I share their belief—that the loophole has swallowed the election laws. In fact, the best statement I have heard on this was by the third cosponsor of the original McCain-Feingold bill, the Senator from Tennessee, the chairman of the Governmental Affairs Committee, FRED THOMPSON, who said plainly, without any legal jargon and all the other language we tend to use out here: Mr. President, we really don't have a campaign finance system anymore. That said it all. That captured the impact of soft money on our system.

So the bill that Senator MCCAIN and I have introduced and that we consider today essentially asks a very simple question: Will the Senate ban political party soft money or not? It is that simple.

This bill is a soft money ban, pure and simple. At this point it says nothing—nothing—about issue ads, nothing about disclosure or even enforcement. It does codify the Beck decision on union dues. It has minor changes with regard to certain aggregate limits on hard money contributions. But otherwise it leaves the status quo intact, except for one simple and crucial reform: This bill prohibits the political parties from accepting unlimited contributions from corporations, unions, and wealthy individuals.

This is what it says to the political parties: Stop the charade. Forget about the loophole that has swallowed the law. Live under the law Congress passed in 1974. Raise your money primarily from individuals, not corporations or unions, in amounts of $20,000 per year or less.

It is soft money that brought us the scandals of 1996—the selling of access and influence in the White House and the Congress, the use of the Lincoln Bedroom and Air Force One to reward contributors, the White House coffees. All of this came from soft money because, without soft money, the parties would not have been tempted to come up with ever more enticing offers to get the big contributors to open their checkbooks. It just would not be worth it to do all of that under the hard money limits. It is only the unlimited opportunity for the unlimited check that creates that kind of a temptation.

But today, both parties aggressively engage in this big money auction. It is an arms race where the losers are the American people. Soft money causes Americans, time and time again, to question the integrity and impartiality of the legislative process. Everything we do is under scrutiny and subject to suspicion because major industries and labor organizations are giving our political parties such big piles of money. Whether it is the telecommunications legislation, Y2K liability, the bankruptcy bill, defense spending, or health care, someone out there is telling the public, often with justification, in my view, that the Congress cannot be trusted to do what is best for the public interest because the major affected industries are giving us money while those bills are pending in committee or debated on the floor. I have tried, over the past few months, to highlight the influence of money on the legislative process through the calling of the bankroll. Time and time again, I have found that increasingly, the really big money, the money that many believe now has the biggest influence here, is soft money.

We have to clean our campaign finance house, and the best way to start is to get rid of soft money. Let us make rules that protect the people again in this country. With soft money, there are essentially no rules and no limits. With this bill, we can begin to restore some sanity to our campaign finance system.

To be candid—I don't like to admit it—when I came to the Senate, I wasn't even sure what soft money was, or at least I didn't know everything that could be done with it. After a tough race in 1992 against a well-financed incumbent opponent who spent twice as much as I did, I was mostly concerned with the difficulties of people who are not wealthy in running for office. My commitment to campaign finance reform was honestly forged from that experience.

But something has happened since I got here. Soft money has exploded, with far-reaching consequences for our elections and the functioning of Congress. I truly believe—and I didn't necessarily feel this way 3 or 4 years ago—if we can do nothing else on campaign finance reform in this Congress, we must stop the cancerous growth of soft money before it consumes us and ultimately the remaining credibility of our system.

I want to take a few minutes to describe to my colleagues in concrete terms, instead of talking about large sums of money in general, the growth of soft money over the past 6 years, all since I first came to the Senate not so long ago. It is a frightening story. I hope my colleagues, staff, and people watching will listen to these numbers because they are staggering.

As this chart shows, soft money first arrived on the scene of our national elections in the 1980 election, after a 1978 FEC ruling opened the door for parties to accept contributions from corporations and unions that are barred from contributing to Federal elections. The best available estimate is that parties raised, in that 1980 cycle, that first cycle, under $20 million in soft money. By the 1992 election, the year I was elected to this body, soft money fundraising by the parties had gone from under $20 million to $86 million.

Obviously, $86 million already was a lot of money. It was nearly as much as the $110 million the two Presidential candidates were given in 1992 in public financing from the U.S. Treasury. There was already real concern about how that money was spent. Despite the FEC decision that soft money could be used for activities such as get-out-the-vote and voter registration campaigns without violating the Federal election law's prohibition on corporate and union contributions in connection with Federal elections, the parties sent much of their soft money to be spent in States where the Presidential election between George Bush and Bill Clinton was close or where there were key contested Senate races, not necessarily connected to the purposes for which that money was supposedly allowed to be used.

Still, soft money, in 1992, was far from the central issue in our debate over campaign finance reform in 1993 and 1994. Then in 1995, when Senator MCCAIN and I first introduced the McCain-Feingold bill, our bill did include a ban on soft money, but it wasn't even close to being the most controversial or important provision of our bill. As far as we knew, no one paid any attention to it. I have my own original summary of our first bill. It is numbered 9 out of 12 items. We mentioned all other kinds of things first. It is just above ''ban on personal use of campaign funds,'' which was already essentially required by the FEC anyway. I am saying, I didn't realize, when I introduced this bill with Senator MCCAIN, what was about to happen.

Indeed, the Republican campaign finance bill introduced in the Senate in 1993, cosponsored by the Senator from Kentucky and many other opponents of reform on the Republican side, actually contained a ban on soft money. In 1993, they were very comfortable with the implications, constitutional issues and others, connected with stopping soft money. Apparently not today.

Then came the 1996 election and the enormous explosion of soft money fueled by the parties' decision to use the money on phony issue ads supporting their Presidential candidates. Remember those ads that everybody thought were Clinton and Dole ads but were really run by the parties? I remember seeing them for the first time in the Cloakroom. That was the moment when soft money began to achieve its full corrupting potential on the national scene.

As you can see on this chart, again, total soft money fundraising skyrocketed as a result. Three times as much soft money was raised in 1996 as in 1992. Let me say that again. Soft money tripled in one Presidential election cycle. What was the effect of this explosion of soft money, other than millions of dollars available for ads supporting Presidential candidates who had agreed to run their campaign on equal and limited grants from Federal taxpayers? The total dollars raised, as shown on this chart, don't tell the whole story. This talks about the total amounts. This talks about the campaign side of this problem of soft money. There is a whole other story, and that is the impact of these contributions on what we do here.

Soft money is raised primarily from corporate interests that have a legislative ax to grind. So the explosion of soft money brought another explosion—an explosion of influence and access in this Congress and in this administration. Consider these statistics on this chart. I hope people will note these figures. They amaze me. As long as I have been involved with this issue, they have amazed me.

In 1992, there were a total of 52 donors who gave over a total of $200,000 to political parties. In 1996, just 4 years later, 219 donors gave that much soft money. Over 20 donors gave over $300,000 in soft money contributions during the 1992 cycle. But in 1996, 120 donors gave contributions totaling $300,000 or more. What about over 400,000? In 1992, 13 donors gave that much soft money. But in 1996, it was all the way up to 79 donors giving $400,000 per person or interest. Whereas only 9 donors in 1992 gave $500,000—a half million dollars, Mr. President; people giving a half million dollars—by 1996, 50 donors gave a half million dollars.

Does anyone think those donors expect nothing for this act of generosity? Does anyone think those donors get nothing for their generosity? Does anyone think the principle of one person/one vote means anything to anyone anymore if somebody can give a half million dollars?

Here is another amazing statistic: This is even worse, to me. In 1992, only 7 companies gave over $150,000 to each of the political parties—double givers, we call them, who made contributions to both parties. In 1996, the number of these double givers was up to 43: Forty-three companies or associations gave $150,000 or more to both the Democrat and the Republican Party. I would suggest there is no ideological motive. This is not about their passion for good government. These donors are playing both sides of the fence. They don't care about who is in power. They want to get their hooks into whoever is controlling the legislative agenda.

Here are some of the companies in this rather exclusive group. We know they have a big interest in what Congress does: Philip Morris, Joseph Seagram & Sons, RJR Nabisco, Walt Disney, Atlantic Richfield, AT&T, Federal Express, MCI, the Association of Trial Lawyers, the National Education Association, Lazard Freres & Co., Anheuser Busch, Eli Lilly, Time Warner, Chevron Corp., Archer Daniel's Midland, NYNEX, Textron Inc., Northwest Airlines. Mr. President, it is a who's who of corporate America. These are the big investors in the U.S. Congress, and no one can convince the American people that these companies get no return on their investment. So we have an ever-increasing number of companies that are participating in this system, trying to make sure their interests are protected and their lobbyists' calls returned.

There is another effect of this explosion of soft money, and that is the increasing participation of Members of this body in raising it.

I do not know how many of my colleagues are actually picking up the phones across the street in our party committee headquarters to ask corporate CEOs for soft money contributions. But no one here can deny that our parties are asking us to do this. It is now simply expected that United States Senators will be soft money fundraisers.

Consider the soft money raised in recent off-year elections. In 1994, the parties raised a total of $101.7 million dollars. Only about $18.5 million of that amount was raised by the congressional and senatorial campaign committees. In 1998, the most recent election, soft money fundraising more than doubled to $224.4 million. And $107 million of that total was raised by the congressional and senatorial campaign committees. That's nearly half of the total soft money raised by the parties.

Half the soft money that the parties raised in the last election went to the several party campaign committees for members of Congress, as opposed to the national party committees.

When you hear all this talk about how the parties need this money generally, that is why they need soft money, and an awful of lot is not going to the parties generally. And I and many of my colleagues know from painful experience that much of that money ended up being spent on phony issue ads in Senate races. The direct contribution of corporate money to federal candidates has been banned in federal elections since 1907, but that money is now being raised by Senators as soft money and spent to try to influence the election of Senators. It is spent to try to influence the election of Senators. To me, this is a complete obliteration of the spirit of the law. It is wrong. It must be stopped.

The growth of soft money has made a mockery of our campaign finance laws. It has turned Senators into panhandlers for huge contributions from corporate patrons. And it has multiplied the number of corporate interests that have a claim on the attention of members and the work of this institution.

Mr. President, there is broad and bipartisan support for banning soft money. Former Presidents Bush, Carter, and Ford believe that soft money must be eliminated, as does a large and distinguished bipartisan group of former Members of Congress, organized last year by former Senator and Vice President Walter Mondale, a Democrat, and former Senator Nancy Kassebaum Baker, a Republican. Their effort has been joined at last count by 216 former members of the House and Senate. Senators Mondale and Kassebaum published an opinion piece in the Washington Post that eloquently spells out the rationale and the critical need to enact this reform.

They state that a ban on soft money would ''restore a sound principle long held to be essential. That bedrock principle, developed step by step through measures signed into law by presidents from Theodore Roosevelt to Gerald Ford, is that federal elections campaigns should be financed by limited contributions from individuals and not by either corporate or union treasuries. Neither candidates for federal office, nor the national political party committees whose primary mission is to elect them, should be dependent on the treasuries of corporations or unions that have strong economic interests in the decisions of the federal government.''

Mr. President, I ask unanimous consent that the full article by these two very distinguished former members of this body be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. FEINGOLD. As I mentioned, Mr. President, Senators Mondale and Kassebaum Baker put together a group of former members 216 strong who want to end soft money. One of those is former Senator Bill Brock, who also served as Chairman of the Republican Party. In an op-ed last year, Senator Brock dispelled the myth that the parties cannot survive without soft money. He stated: ''In truth, the parties were stronger and closer to their

roots before the advent of this loophole than they are today.'' He adds: ''Far from reinvigorating the parties themselves, soft money has simply strengthened certain specific candidates and the few donors who can make huge contributions while distracting parties from traditional grassroots work.''

Those are not just my sentiments; they are the sentiments of former Senator Brock, and he has it exactly right.

Our national political parties should be the engines of democracy, the organizers of individual donors and volunteers who care about big ideas and are willing to work for them. Instead they have become fundraising behemoths, obsessed with extorting the biggest chunks of cash that they can from corporate and wealthy donors. This is not what the two great political parties should be about Mr. President. Soft money has changed our politics for the worse Mr. President. And I think everyone in this body knows that.

Mr. President, I ask unanimous consent that a statement from Senators Mondale and Kassebaum-Baker that contains excerpts from a number of articles written by former Members of Congress on the topic of banning soft money be printed in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2.)

Mr. FEINGOLD. Mr. President, the bill the Senate is now considering accomplishes a ban on soft money in four simple ways. First, and most important, it prohibits the national political parties from raising or spending money that is not subject to the limits of the federal election laws. Second, it prohibits federal officeholders and candidates from raising money that is not subject to the election laws, except for appearing as a speaker at a fundraising event sponsored by a state or local political party. Third, to prevent soft money from being laundered through state parties and making its way back into federal elections, it requires state and local parties that spend money on certain federal election activities to use only money that is subject to the federal election laws. And finally, it prohibits the parties from soliciting money for or contributing money to outside organizations.

The amendment also makes some changes in the contribution limits of current law in a recognition of the new difficulties that parties may face as they are forced to go ''cold turkey'' in giving up soft money. It increases the amount that individuals can legally give to state party committees from $5,000 per year to $10,000 per year. And it increases the amount that an individual can give to all parties, PACs, and candidates combined in a year from $25,000 to $30,000.

This provision is tough, but it is fair. It allows federal candidates to continue to help raise money for their state parties by appearing at fundraisers. It permits the state parties until four months before an election to use non-federal money to conduct voter registration drives that will obviously benefit federal candidates as well.

Mr. President, I truly believe that we must do much more than ban soft money to fix our campaign finance system. But if there is one thing more than any other that must be done now it is to ban soft money. Otherwise the soft money loophole will completely obliterate the Presidential public funding system, and lead to scandals that will make what we saw in 1996 seem quaint. And the number of investors in this body will continue to skyrocket, with untold consequences on the work of this body and the confidence of the American people in their government.

Mr. President, we have some momentum. I was delighted this week to have us get another cosponsor on this bill, the Senator from Kansas, SAM BROWNBACK, and to also have the endorsement of one of the leaders from the other body, Congressman ASA HUTCHINSON. So we have had good momentum this week. I am pleased with that. I especially felt the momentum when last Friday I had a chance to go to Nashville, Tennessee, and I had the good fortune to meet an extraordinary woman, who is in Washington today. I'm speaking of Doris Haddock, from Dublin, New Hampshire. Doris has become known to many people throughout the country and around the world as ''Granny D.''

She is 89 years old. On January 1st of this year, she set out to walk across this country to call attention to the need for campaign finance reform and call on this body to pass the McCain-Feingold bill. As she said last week, voting for McCain-Feingold is something our mothers and grandmothers would want us to do. And coming from Granny D, this is not just a polite request—it is a challenge and a demand from one of the toughest and bravest advocates of reform I have ever had the pleasure to know.

I joined Granny D on the road last week, and as we walked together through the streets of Nashville, shouts of ''Go Granny Go'' came from every corner—from drivers in their cars, pedestrians on the sidewalk and construction workers on the job.

The response she got that day, and the support she gets every day on her walk across America, speak volumes about where the American people stand on this issue. They are fed up with a campaign finance system so clogged with cash that it has essentially ceased to function; they are frustrated by a Congress that has stood by and watched our democracy deteriorate; and today they are demanding that the U.S. Senate join Granny D on the road to reform by passing the McCain-Feingold bill.

Granny D and countless Americans like her are demanding, here and now, that this body act to ban soft money and begin to clean up our campaign finance mess. Granny has been walking across this country for more than nine months now—from California to Tennessee, in the sweltering heat and now in the growing cold, over mountains and across a desert. At age 89, she has braved all of this. And all she is asking U.S. Senators to do in return one simple thing.

What she's asking is not anywhere near as strenuous, and it won't take anywhere near as much time as what she has endured.

All she is asking the members of this body to do is lift their arm to cast one vote—a vote to ban soft money.

That's what she's asking, and I urge my colleagues not let her down. The time has past for the excuses, equivocations and evasions that members of this body have employed time and again to avoid passing campaign finance reform legislation. The time has come to put partisanship aside, to put our own ideal reform bills aside and finally put our democracy first—let's join Granny D on the road to reform.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Aug. 17, 1998]

CAMPAIGN REFORM: FINISH THE JOB

(By Nancy Kassebaum Baker and Walter F. Mondale)

The House's finest moment of this Congress will soon become the Senate's great opportunity. The House's action on campaign finance reform is a demonstration of courage, conviction and bipartisanship. It shows that clear majorities of both houses, when permitted to vote, want to remove the blight of soft money from our national politics. Now it's up to the Senate to complete the job.

Soft money, the flood of corporate and union treasury funds and unlimited donations from individuals to national political committees that swamped the 1991 elections with a quarter-billion dollars, undermines protections built by the Congress over the course of a century. Each major safeguard skirted by soft money, beginning with the 1907 ban on corporate treasury donations, resulted from efforts to protect the integrity of American elections.

No less is at stake now. The significant House vote cannot be allowed to become just a gesture. The Senate's task—supported by principle and an appreciation of experience, priority and responsibility, is to ensure that this singular achievement of the House becomes a large stride toward enactment of campaign finance reform in this Congress.

Principle. A ban on soft money would not introduce any new principle into the law. It would, instead, restore sound principle, long held to be essential. That bedrock principle, developed step by step through measures signed into law by presidents from Theodore Roosevelt to Gerald Ford, is that federal election campaigns should be financed by limited contributions from individuals and not by either corporate or union treasuries. Neither candidates for federal office nor the national political party committees whose primary mission is to elect them, should be dependent on the treasuries of corporations or unions that have strong economic interests in the decisions of the federal government. As for individuals, who should always be the center piece of our national politics, the law should encourage the broadest participation possible, while establishing reasonable limits to avoid disproportionate power by those who can write the biggest checks.

Experience. Nearly every major controversy and excess of the last election was related to soft money. If earlier Congresses were unaware of the full consequences of the soft-money loophole, our experience in 1996 and the investigations by this Congress have removed ignorance as a defense for inaction. Legislators are often challenged by the uncertainty of future developments. But to see the future of American elections, one only needs to look at the present and multiply. Soft money in the first year after the 1996 election was raised at twice the rate it was raised four years ago. We are on the way to a half-billion dollars or more in soft money in the 2000 elections.

Priority. The urgency of action is clear. Congress should use the shrinking window of time this year to safeguard the next presidential election. In response to the trauma of a president's fall in Watergate, this country struck a bargain with its presidential candidates. Accept public funding in the general election and forgo private fund-raising. Three presidential elections—in 1976, 1980 and 1984—were faithful to that bargain. Now the American taxpayer provides public funding while presidential candidates and their parties engage in an unlimited soft-money arms race. No matter who wins, the country will be diminished if this continues to be the way our presidents are elected.

Responsibility. Without authorization by Congress, the Federal Election Commission cracked open the door through which corporate, union and unlimited individual soft-money contributions have poured. But Congress can no longer avoid the responsibility for making the fundamental choice about the basic rules that should govern the financing of federal election campaigns. It should vote to either approve the soft-money system or end it. Either way, to borrow Harry Truman's phrase, Congress must know that the public understands that the buck, literally, stops on Capitol Hill.

In sum, this is a time for the Senate to recognize the force of the observation of one of its noted leaders, Everett McKinley Dirksen, who opened the path to enactment of the Civil Rights Act of 1964 by reminding senators of the strength of an idea whose time has come. The time has come—as former presidents Ford, Carter and Bush, hundreds of former members of both parties and majorities in both Houses firmly believe—for Congress to protect the integrity of our national elections. Our common purpose should be no less than to allow the nation to look forward with pride to the character of the new century's first presidential election.

EXHIBIT 2

CAMPAIGN FINANCE REFORM—A STATEMENT BY NANCY KASSEBAUM BAKER AND WALTER MONDALE

June 15, 1998

A year ago, we released an open letter to the President and Congress calling on the Executive and Legislative Branches to debate and act on meaningful campaign finance reform. We included in the open letter our initial recommendation for several reforms—beginning with an end to ''soft money'' contributions to the national parties and their campaign organizations—on which agreement, in our view, could be attained.

Now, thanks to the extraordinary efforts of supporters of reform within and outside of the Congress, the House stands at the threshold of an important opportunity. And no one should underestimate how important and urgent its task is.

The issue of reform goes to the very heart of American democracy—to the trust and respect citizens can have in elections. Removing soft money will help restore the letter and spirit of existing campaign laws and reassure voters that they can again be the most important participants in elections.

Without action by this Congress on soft money, at the current fundraising rate, the 2000 presidential election will have more than a half billion dollars in soft money, double the amount of 1996.

Since our June 1997 open letter, we have been joined by hundreds of distinguished Americans who have helped to bring us all to this juncture. Foremost among them are former Presidents Bush, Carter and Ford, and also the 216 former Members of Congress who have signed a joint statement calling for reform.

Beyond lending their names to this effort, the former Presidents and former Members, in letters, guest editorials, and statements, have convincingly set forth the urgency and case for reform. The following brings together some of the main ideas that we and others have shared over the last year.

THE PRIMACY OF INDIVIDUAL VOTERS AND THEIR CONFIDENCE IN GOVERNMENT

As we wrote in the Los Angeles Times (September 22, 1997), ''Progress on reform is perhaps the most important step that can be taken to restore voter confidence in the ability of all citizens, regardless of wealth, to participate fully in elections. The failure of Congress to act will only deepen voter despair about politics.''

In a letter last June, former President Bush said, ''We must encourage the broadest possible participation by individuals in financing elections.'' Former Presidents Carter and Ford, in a joint article in The Washington Post (October 5, 1997) said, ''We must redouble our efforts to assure voters that public policy is determined by the checks on their ballots, rather than the checks from powerful interests.''

Former Senator and Republican National Committee Chairman Bill Brock underscored that point in a guest editorial in the Hill (April 29, 1998). ''The basic intent of the campaign finance laws that Congress enacted in the past is quite clear,'' he wrote, ''It is that campaigns should be funded by individuals (not corporations and unions). . . . Because Americans have long believed in individual responsibility as the best antidote to the threats of excesses of wealth and institutional power.'' And, as former Republican Senator Mark Hatfield wrote in the Washington Times (March 26, 1998). ''These prohibitions on corporate and union contributions reflect a basic idea: Individuals should be the dominant force in our political process.''

Writing in the Chicago Sun-Times (March 24, 1998), former House Republican Leader Bob Michel and former Representative, Judge, and White House Counsel Abner Mikya, made the point that ''[t]he cost to confidence in government of this breakdown in campaign finance regulation is high.'' Raising soft money, they explained, ''requires the sustained effort of elected and party officials, often one-on-one with donors, to raise—indeed, wrest—the large sums involved in soft money contributions. The entities and people from whom soft money is sought often have enormous economic stakes in government decisions. Corporate and other soft money donors frankly say they feel shaken down.''

Former Presidents Ford and Carter forcefully noted that soft money ''is one of the most corrupting influences in modern elections because there is no limit on the size of donations—thus giving disproportionate influence to those with the deepest pockets.''

IMPACT ON THE PRESIDENCY

As former Presidents Gerald Ford and Jimmy Carter expressed, it is vital for Congress ''to seize this opportunity for reform now so it can improve the next presidential election.''

Writing last week in the San Francisco Chronicle (June 3, 1998), former Representative and White House Chief of Staff Leon Panetta described the bargain the nation struck with its presidential candidates in 1974: in return for public financing of presidential elections, candidates would forego fundraising in general elections. ''. . . the elections of 1976, 1980 and 1984 elections showed that national elections could be run with fidelity to that bargain.''

Time is of the essence. As Leon Panetta observed, ''As difficult as the chances may seem, this Congress remains the best hope for enabling the nation to begin the new century with a presidential election of which it can be proud.''

As former Reps. Bob Michel and Abner Mikva observed about the coming House debate, ''Either [the House] will act to end the scourge of soft money'' or it ''will do nothing about letting the next presidential election become the biggest auction the country ever has know.''

RESTORING CONGRESSIONAL INTENT

''Congress never authorized soft money. ''Bill Brock wrote as he called on Congress to ''restore the spirit and the letter of election laws dating back decades,'' Reps. Michel and Mikva said, ''Congress never agreed to the creation of soft money. The loophole is a product of exceptions allowed by the Federal Election Commission that were expanded by aggressive fund-raising by both parties.''

Congress should decide whether it supports reforms dating back to the beginning of the Century. ''It's time for lawmakers to say whether soft money is good or bad for the system,'' Brock said.

STRENGTHENING PARTIES

Bill Brock, writing from the perspective of a former party chairman, dispelled the myth that soft money strengthens parties. ''In truth, parties were strongest and closer to their roots before the advent of this loophole than they are today.'' Far from reinvigorating the parties themselves,'' he observed, ''soft money has simply strengthened certain specific candidates and the few donors who can make huge contributions, while distracting parties from traditional grassroots work.''

Or, as we wrote in Roll Call (February 26, 1998), ''no one can seriously say more people vote or participate because of soft money. In fact, as soft money has skyrocketed, voter turnout has continued to decline.''

''Without soft money,'' we continued, ''the parties will have to work harder to raise money. But the benefits gained—by increasing the public's faith in democracy and reducing the arms race for cash—will far outweigh the cost.''

FOCUSING ON PRIORITIES

A consistent theme of our efforts, together with the former Presidents and other former Members, is that it is essential to take a first step toward reform, even while recognizing that further steps will need to be taken in the years ahead. Thus, as we wrote last July in The Washington Post (July 18, 1997), Congress ''should not delay action on those measures that can pass now.'' Or, as former Senator Al Simpson wrote in The Boston Globe (February 24, 1998), ''[Banning soft money] won't solve all the problems, but it sure will be a start, and it may even provide a sensible and responsible foundation on which many additional thoughtful reforms can be built. . . .''

And as the statement of more than 200 former members elaborates, ''we believe it is time to test the merits of different or competing ideas through debate and votes, but

that any disagreement over further reforms should not delay enactment of essential measures, beginning with a ban on soft money, where agreement is within reach.''

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, here we are again. I think it is appropriate to say that campaign finance is a clinical term for ''constitutional freedom.''

Make no mistake, the essence of this debate is indeed freedom—fundamental first amendment freedom of speech and association guaranteed to every American, citizen group, candidate, and party. That is the view of the U.S. Supreme Court, the view of the American Civil Liberties Union, and the view of most Republicans. Soft money, issue advocacy, express advocacy, PACs, and all the rest are nothing more than euphemisms for first-amendment-protected political speech and association means of amplifying one's voice in this vast Nation of 270 million people.

It is important to remember that Dan Rather and Peter Jennings have a lot of speech, and the editorial page of the New York Times has a big audience. But the typical American citizen and the typical candidate, unless he or she can amass the resources to project their voices to a larger audience, just simply doesn't have as much speech as the press. So the means to amplify one's voice in this vast Nation of 270 million people is critical and constitutionally protected. It is no more complicated than that and no less vital to our democracy than the freedom of the press, which has taken a great interest in this issue.

Just thinking of the New York Times editorial page, for example, I think they have had 113 editorials on this subject since the beginning of 1997. That is an average of about one every nine days—issue advocacy, if you will, paid for by corporate soft money, expressing their view, which they have a right to do, on this important issue before us.

But as we look at this long odyssey of campaign finance reform, we have come a long way in the last decade, those of us who see through the reform patina—from the push 10 years ago for taxpayer financing of congressional campaigns and spending limits, and even such lunacy as taxpayer-financed entitlement programs for candidates to counteract independent expenditures, a truly bizarre scheme long gone from the congressional proposals but now echoed, interestingly enough, in the campaign reform platform of Presidential candidate Bill Bradley, who advocates a 100-percent tax—a 100-percent tax on issue advocacy. So if you were so audacious as to go out and want to express yourself on an issue, the Government would levy a 100-percent tax on your expression and give the money to whoever the Government thought was entitled to respond to it—a truly loony idea.

That was actually in the campaign finance bills we used to debate in the late 1980s and early 1990s and now is in the platform of one of the candidates for President of the United States, believe it or not.

So it was just 2 years ago that spending limits were thrown overboard from the McCain-Feingold bill and that the PAC and bundling bans were thrown overboard as well. Now the focus becomes solely directed at citizens groups and parties, which is the form McCain-Feingold took last year. Now, this month, the McCain-Feingold odyssey has arrived at the point that if it were whittled down any further, only the effective date would remain. As it is, McCain-Feingold now amounts to an effective date on an ineffectual provision.

Obviously, it is not surprising that that is my view. But it is also the view of the League of Women Voters, which opposes the current version of McCain-Feingold.

To achieve what proponents of this legislation profess to want to achieve—a reduction of special interest influence—if you want to do that, I think that is not a good idea at all, it is blatantly unconstitutional and the wrong thing to do. But if you wanted to do it, you would certainly have to deal with all the avenues of participation, not just political parties. Nonparty soft money as well as party soft money, independent expenditures, candidate spending—all of the gimmicks advanced through the years in the guise of reform—all would have to be treated, if you truly wanted to quiet the voices of all of these citizens, which is what the reformers initially sought to do.

The latest and leanest version of McCain-Feingold falls far short of that which would be needed if you were inclined to want to do this sort of thing to limit special interest influence. As the League of Women Voters contends—mind you, there is the first time I have ever agreed with them on anything—as they contend, you would have to treat all of the special interests if you were truly interested in quieting the voices of all of these Americans who belong to groups.

It could not be more clear that this sort of McCain-Feingold-light that is currently before us is designed only to penalize the parties and to shift the influence to other avenues. That is precisely what it would do. It could not be more clear. Prohibiting only party soft money accomplishes absolutely nothing. It is only fodder for press releases and would make the present system worse and not better.

That is quite aside from the matter of unconstitutionality and whether the parties have less first amendment rights to engage in soft money activities than other groups. If this were to be enacted, that issue would surely be settled by the Supreme Court, which is, of course, the Catch-22 of the reformers. The choice is between the ineffectual unconstitutional and the comprehensively unconstitutional. A younger generation would call that a choice between ''dumb and dumber.''

For reality ever to square with reformer rhetoric, the Constitution would have to be amended and political speech specifically carved out of the first amendment scope of protection.

There are those in this body who have actually proposed amending the Constitution. We had that debate in March of 1997. And, believe it or not, 38 Senators out of 100 voted to do just that—to amend the first amendment for the first time in 200 years to give the Government the power to restrict all spending, and in support of or in opposition to candidates. The ACLU calls that a ''recipe for repression.'' But that got 38 votes. You could at least give those people credit for honesty. They understand that in order to do what the reformers seek to do, you really would have to change the first amendment for the first time in 200 years.

So what the McCain-Feingold saga comes down to is an effort to have the Government control all spending by, in support of, or in opposition to candidates, with a little loophole carving out the media's own spending, of course.

That this effort is allowed to be advanced as reform is one of the tragedies of our time. Fortunately, enough Senators on this side of the aisle have had the courage to forestall this assault on freedom for the past decade and have proven by example that there is a constituency for protecting constitutional freedom.

Let me just say there is an excellent letter from the American Civil Liberties Union—a group that is an equal opportunity defender for an awful lot of Americans but is truly America's experts on the first amendment—to me, which I just got yesterday, which I ask unanimous consent to be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC.

Hon. MITCH MCCONNELL,
Senate Office Building, Washington, DC.

DEAR SENATOR MCCONNELL: The ACLU is writing to express its opposition to the new, seemingly watered-down McCain-Feingold bill. While it is true that the most obvious direct legislative attacks on issue advocacy have been removed from this bill, S. 1593 continues to abridge the First Amendment rights of those who want to support party issue advocacy. The soft money restrictions proposed in S. 1593 are just another, less direct way to restrain issue advocacy and should therefore be opposed.

CONCERNS ABOUT SOFT MONEY RESTRICTIONS IN S. 1593

Soft money is funding that does not support express advocacy of the election or defeat of federal candidates, even though it may exert an attenuated influence on the outcome of a federal election. In other words, everything that is not hard money (express advocacy dollars) is soft money. Thus, soft money includes party funds and issue advocacy dollars.

Party soft money sustains primary political activity such as candidate recruitment,

get-out-the-vote drives and issue advertising. While candidate-focused contributions and expenditures and ''express advocacy'' can be subject to various restrictions or regulations, the Supreme Court in Buckley v. Valeo, 424 U.S. 1 (1976) held that all speech which does not ''in express terms advocate the election or defeat of a clearly identified candidate'' shall remain free from the same regulations that apply to hard money. ''So long as persons and groups eschew expenditures that in express terms advocate the election or defeat of a clearly identified candidate, they are free to spend as much as they want to promote the candidate and his views.'' 424 U.S. at 45 (emphasis supplied).

Indeed, the unrestricted use of soft money by political parties and non-party organizations like labor unions has been invited by Buckley and acknowledged by the Supreme Court. In Colorado Republican Federal Campaign Committee v. Federal Election Commission, 116 S.Ct. 2309 (1996), the Court upheld unlimited ''hard money'' independent expenditures by political parties on behalf of their candidates.

In Colorado, the Brennan Center provided the Court extensive charts and graphs detailing large individual and corporate soft money contributions to the two major parties that they asserted threatened the integrity of the FECA's federal contribution restrictions. (Brief, p. 8) Notwithstanding this ''evidence,'' the Court stated:

''We recognize that FECA permits individuals to contribute more money ($20,000) to a party than to a candidate ($1,000) or to other political committees ($5,000). . . . We also recognize that FECA permits unregulated ''soft money'' contributions to a party for certain activities, such as electing candidates for state office . . . or for voter registration and ''get out the vote'' drives. . . . But the opportunity for corruption posed by these greater opportunities for contributions is, at best, attenuated.'' Id. at 2316.

Restricting soft money contributions alone will only force more dollars into other forms of speech beyond the reach of campaign finance laws. Soft money restrictions also give even more power to the media to influence voters' choices and to characterize candidate records. If S. 1593 is adopted, less money will be available to parties to assert the platform embraced by candidates and non-candidate party members. A soft money ban will not solve the problem that candidates now have, which is the dearth of hard dollars available to run competitive campaigns. Because contribution limits have remained unchanged since the 1970's it is no wonder that other avenues (party soft money and issue advocacy soft money) have been exploited to influence the outcome of elections.

Te goal of the Common Cause-type reform advocates is to find all sources of money that may conceivably influence the outcome of elections and place them under the control of the Federal Election Commission. It is not possible within our constitutional framework to limit and regulate all forms of political speech. Further, it seems rather arrogant that some members of Congress believe that the candidates and the press alone should have unlimited power to characterize the candidates and their records. The rest of us must be silent bystanders denied our First Amendment rights to have our voices amplified by funding issue and party speech. Disclosure, rather than limitation, of large soft money contributions of political parties, is the more appropriate and less restrictive alternative.

Rather than assess how the limit driven approach caused our current campaign finance woes, we are asked to believe the fiction that the incremental limits approach in S. 1593 is the solution. The ACLU is forced to agree with the League of Women Voters who wisely withdrew their support for this legislation (albeit for different reasons) and asserted, ''. . . the overall system may actually be made worse by this bill.''

CONCERNS ABOUT POTENTIAL AMENDMENTS

Issue advocacy restrictions

Because issue ads generated from party and non-party sources have provoked the consternation of many members of Congress and so-called reform groups, it is likely that Senators will have the opportunity to vote on amendments that restrict issue advocacy. We urge the Senate to reject restrictions on issue advocacy because they violate the Constitution.

The Supreme Court in Buckley v. Valeo well understood the risks that overly broad campaign finance regulations could pose to electoral democracy. The Court said, ''[discussion of public issues and debate on the qualifications of candidates are integral to the operation of the system of government established by our Constitution.'' 424 U.S. at 14. The Court recognized that ''the distinction between discussion of issues and candidates and advocacy of election or defeat of candidates may often dissolve in practical application. Candidates, especially incumbents, are intimately tied to public issues involving legislative proposals and governmental actions. Not only do candidates campaign on the basis of their positions on various public issues, but campaigns themselves generate issues of public interest.'' 424 U.S. at 43. If any discussion of a candidate in the context of discussion of an issue rendered the speaker subject to campaign finance controls, the consequences for free discussion would be intolerable and speakers would be compelled ''to hedge and trim,'' Id., quoting Thomas v. Collins, 323 U.S. 516, 535 (1945).

The Court fashioned the express advocacy doctrine to safeguard issue advocacy from campaign finance controls, even though such discussion might influence the outcome of an election. The doctrine provides a hard, bright-line, objective test that protects political speech and association by focusing solely on the content of the speaker's words, not the motive in the speaker's mind or the impact of the speaker's opinions, or the proximity to an election, or the phase of the moon. The doctrine marks the boundary of permissible regulation and frees issue advocacy from any permissible restraint.

The Buckley Court could not have been more clear about the need for that bright line test which focuses solely on the speaker's words and which is now an integral part of settled First Amendment doctrine. It was designed to protect issue discussion and advocacy by allowing independent groups of citizens to comment on and criticize the performance of elected officials without becoming ensnared in the federal campaign finance laws. And it permits issue discussion to go forward at the time that it is most vital in a democracy: during an election season.

Although not as sweeping as other proposals, we believe that the Snowe-Jeffords amendment restricting issue advocacy should be opposed for the reasons stated above.

Specific Problems with the Shays-Meehan Substitute

It is our understanding the Sen. Tom Daschle (D, SD) and Sen. Robert Torricelli (D, NJ) will offer the House passed version of Shays-Meehan, H.R. 417. We urge Senators to vote against this measure. Shays-Meehan has a chilling affect on issue group speech that is essential in a democracy. H.R. 417 contains the harshest and most unconstitutional controls on issue advocacy groups.

This bill contains a permanent year-round restriction on issue advocacy achieved through redefining express advocacy in an unconstitutionally vague and over-broad manner. The Supreme Court has held that only express advocacy, narrowly defined, can be subject to campaign finance controls. The key to the existing definition of express advocacy is the inclusion of an explicit directive to vote for or vote against a candidate. Minus the explicit directive or so-called ''bright-line'' test, what will constitute express advocacy will be in the eye of the beholder, in this case the Federal Election Commission (FEC). Few non-profit issue groups will want to risk their tax status or incur legal expenses to engage in speech that could be interpreted by the FEC to have an influence on the outcome of an election.

It requires a two-month black-out on all television and radio issue advertising before the primary and general elections. The bill's statutory limitations on issue advocacy would force groups that now engage in issue advocacy—501(c)(3)s and 501(c)(4)s—to create new institutional entities—PACs—in order to ''legally'' speak within 60 days before an election. Groups would also be forced to disclose or identify all contributors to the new PAC. For organizations like the ACLU, this will mean individuals will stop contributing rather than risk publicity about their gift. The opportunities that donors now have to contribute anonymously to our efforts to highlight issues during elections would be eliminated. (This is a special concern for groups that advocate unpopular or divisive causes. See NAACP v. Alabama 357 U.S. 449(1958).) For many non-profits, being forced to establish PACs entails a significant and costly burden, one that can change the very character of the organization. Separate accounting procedures, new legal compliance costs and separate administrative processes would be imposed on these groups—a high price to exercise their First Amendment rights to comment on candidate records. It is very likely that some groups will remain silent rather than risk violating this new requirement or absorbing the attendant cost of compliance. The only entities that will be able to characterize a candidate's record on radio and television during this 60-day period will be the candidates, PACs and the media. Yet, the period when non-PAC issue groups are locked out is the very time when everyone is paying attention! Further, members of Congress need only wait until the last 60 days before an election (as it often does now) to vote for legislation or engage in controversial behavior, so that their actions are beyond the reach of public comment and, therefore, effectively immune from citizen criticism.

Shays-Meehan contains a misleading exception for candidate voting records. The voting records that would be permitted under this new statute would be stripped of any advocacy-like commentary. For example, depending on its wording, the ACLU might be banned from distributing a voting guide that highlights members of Congress who have a 100 percent ACLU voting records as members of an ''ACLU Honor Role.'' Unless the ACLU chose to create a PAC to publish such guides, we would be barred by this statute even though we do not expressly advocate the election or defeat of a candidate. Courts have clearly held that such a result is an unacceptable or unconstitutional restraint on issue-oriented speech.

It redefines ''expenditure,'' ''contribution'' and ''coordination with a candidate'' so that heretofore legal and constitutionally protected activities of issue advocacy groups would become illegal. Let's say, for example, that the ACLU decided to place an ad

lauding, by name, Representatives or Senators for the effective advocacy of constitutional campaign finance reform. That ad would be counted as express advocacy on behalf of the named Congresspersons under H.R. 417 and would be effectively prohibited. If the ACLU checked with key congressional offices to determine when this reform measure was coming to the floor so the placement of the ad would be timely—that would be an ''expenditure'' counted as a ''contribution'' to the named officials and it would be deemed ''coordinated with the candidate.'' An expanded definition of coordination chills legal and appropriate issue group-candidate discussion.

If these very same restrictions outlined above were imposed on the media, we would have a national First Amendment crisis of huge proportions. Yet, newspapers such as the Washington Post, the New York Times, the Los Angeles Times and other media outlets relentlessly editorialize in favor of Shays-Meehan—a proposal that blatantly chills free speech rights of others, but not their own. Let's suppose Congress constrained editorial boards in a similar fashion. Any time news outlets ran an editorial—60 days before an election or otherwise—mentioned the name of a candidate, the law now required them to disclose the author of the editorial, the amount of money spent to distribute the editorial and the names of the owners of the newspaper of the FEC, or risk prosecution. The media powerhouses would engage in a frenzy of protest, and you could count on the ACLU challenging such restraints on free speech. Yet, the press has as much if not more influence on the outcome of elections as all issue advocacy groups combined. Some voters are more likely go to the polls with their newspaper's candidate endorsements wrapped under their arm than carrying other issue group literature into the voting booth.

The Shays-Meehan bill contains misguided and unconstitutional restrictions on issue group speech and only works to further empower the media to influence the outcome of elections. None of the proposals seek to regulate the ability of the media—print, electronic, broadcast or cable—to exercise its enormous power to direct news coverage and editorialize in favor or against candidates. This would be clearly unconstitutional. It is equally unconstitutional to effectively chill and eliminate citizen group advocacy. It is scandalous that Congress would muzzle issue groups in such a fashion.

Finally, the ACLU has to be especially watchful of the Federal Elections Commission because it is a federal agency whose primary purpose is to monitor political speech. If Congress gives the FEC the authority to decide what constitutes ''true'' issue advocacy versus ''sham'' issue advocacy, the FEC is then empowered to become ''Big Brother'' of the worst Kind. Already, it has been, far too often, an agency in the business of investigating and prosecuting political speech. The FEC would have to develop a huge apparatus that would be in the full-time business of determining which communications are considered unlawful ''electioneering'' by citizens and non-profit groups. Further, Shays-Meehan contains harsh penalties for failure to comply with the new laws.

Restrictions on the First Amendment Rights of Legal Permanent Residents (LPRs)

Lawful permanent residents are stakeholders in our society. They send their children to our schools, pay taxes on their worldwide income, and like citizens, must register for the draft and serve if the draft is re-instituted. In fact, nearly 20,000 lawful permanent residents now serve voluntarily in the military. By no stretch of the imagination is their money ''foreign money.'' Lawful permanent residents must reside in the U.S. or they forfeit their green cards and right to remain. Moreover, the courts have repeatedly held that non-citizens in the United States have First Amendment rights, and this should include the right to make campaign contributions.

The Shays-Meehan campaign finance bill was amended to bar campaign contributions and expenditures from lawful permanent residents. It virtually guarantees that candidates and their campaign organizations will discriminate against new Americans because it threatens them with substantial penalties if they accept a donation they ''should have known'' came from a non-citizen. We urge you to reject any amendment to the McCain-Feingold bill that would bar such contributions.

Internet Political Speech Restrictions

We urge the Senate to support an amendment by Senator Robert Bennett (R, UT) that would prohibit the FEC from imposing restrictions on Internet commentary on candidates and their positions on issues. Attached is an ACLU press release that illustrates the draconian nature of FEC restrictions on free expression on the Internet.

Our Proposed Solutions

The ACLU believes that there is a less drastic and constitutionally offensive way to achieve reform: public financing.

If you believe that the public policy process is distorted by candidates' growing dependence on large contributions then you should help qualified candidates mount competitive campaigns—especially if they lack personal wealth or cannot privately raise large sums of money. Difficult questions have to be resolved about how to deal with soft money and independent expenditures. Some of these outcomes are constrained by constitutionally based court decisions.

But notwithstanding the nay-sayers who say public financing is dead on arrival, we should remember that we once had a system where private citizens and political parties printed their own ballots. It later became clear that to protect the integrity of the electoral process ballots had to be printed and paid for by the government. For the same reason the public treasury pays for voting machines, polling booths and registrars and the salaries of elected officials. In conclusion, we take it as a fundamental premise that elections are a public not a private process—a process at the very heart of democracy. If we are fed up with a system that allows too much private influence and personal and corporate wealth to prevail then we should complete the task by making public elections publicly financed.

Sincerely

LAURA W. MURPHY,
Director, Washington Office.
JOEL GORA,
Professor of Law, Brooklyn Law School and Counsel to the ACLU.
GREGORY NOJEIM,
Legislative Counsel.

Mr. MCCONNELL. Let me read some of the letter.

The AFL-CIO is writing to express its opposition to the new seemingly watered down McCain-Feingold bill. While it is true that the most obvious direct legislative attacks on issue advocacy have been removed from the bill, S. 1593 continues to abridge the first amendment rights of those who want to support party issue advocacy. The soft money restrictions proposed in S. 1593 are just another less direct way to restrain issue advocacy and therefore should be opposed.

I think that, plus the balance of the letter, sums up the constitutional arguments against the latest version of McCain-Feingold.

Earlier it had been my hope there would be an amendment offered by the other side. Seeing that is not the case, I am prepared to move forward and lay down the first amendment of this debate in which we are engaged.

AMENDMENT NO. 2293

(Purpose: To require Senators to report credible information of corruption to the Select Committee on Ethics and amend title 18, United States Code, to provide for mandatory minimum bribery penalties for public officials)

Mr. MCCONNELL. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 2293.

Mr. MCCONNELL. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ___. REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

''(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

''(1) violated the Senate Code of Office Conduct;

''(2) violated a law; or

''(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

''(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.''.

SEC. ___. BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: '', except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than $100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States''.

Mr. MCCONNELL. Mr. President, the Senator from Wisconsin is here. We want to talk a little bit in the course of this debate on the amendment that I sent to the desk about the issue of corruption. There have been a lot of charges of corruption both on and off the floor. I think these are very serious charges and I think they warrant some discussion, not only for our colleagues but for the members of the public who are interested in this issue.

My colleague from Arizona gave a moving speech in Bedford, NH, a few months ago to kick off his Presidential campaign. In that speech, my friend from Arizona laid out his vision of America with strong, and I must say, compelling statements about what he firmly believes to be corruption in American politics. If there is one thing that is often said about our colleague from Arizona, it is that he is a straight shooter and that he calls it as he sees it. I certainly wouldn't argue with that.

Based on the Senator's speech in New Hampshire and his remarks about his legislation, I assume I am correct in inferring that the Senator from Arizona believes the legislative process has been corrupted. I think he said that in the Wall Street Journal today. I don't believe I am misquoting him. I hope I am not. I see his staffer on the floor. I don't want to be talking about your boss in his absence, and I hope I am not misquoting him. I certainly hope he will come back to the floor for this debate.

What I will do is run through a few of the recent statements of the Senator from Arizona about corruption to be sure that the Senate fully understands his strongly held views on this subject.

Again, I encourage my friend from Arizona to come back to the floor because I certainly don't want to be talking about him in his absence, although I will say these quotes are quite precise and I assure him that I am not misquoting his observations in any way.

The Senator from Arizona, in discussing the subject of campaign finance reform in Bedford, NH, on June 30 of this year said:

> I think most Republicans understand that soft money, the enormous sums of money given to both parties by just about every special interest in the country, corrupts our political ideals, whether it comes from big business or from labor bosses and trial lawyers.

Quoting further from my friend from Arizona, he says:

> In truth, we are all shortchanged by soft money, liberal and conservative alike. All of our ideals are sacrificed. We are all corrupted. I know this is a harsh judgment, [says Senator MCCAIN] but it is, I'm sorry to say, a fair one.

So the principal quote from my friend from Arizona is that ''We are all corrupted.''

He goes on to say:

> Pork barrel spending is a direct result of unlimited contributions from special interests.

My friend from Arizona, also on CNN Early Edition, July 1 of this year, said:

> We have seen debasement of the institutions of government, including the corruption of Congress because of the influence of special interests.

Further, my friend from Arizona said:

> Soft money is corrupting the process.

Then on Fox News, Sunday, on June 27 of this year, my friend from Arizona said:

> I talked to Republicans all over America, including up here in New Hampshire, and when I tell them about the corruption that exists they nod their heads.

My friend from Arizona goes on:

> I think that Americans don't hold us in the esteem and with the respect that the profession deserves and that's because the profession has become permeated with special interests, which have caused corruption, which have then caused them to lose confidence in government.

And the Senator from Arizona went on:

> I'm trying to eliminate the soft money which has corrupted our legislative process, and I think soft money has permeated American politics. It has corrupted the process and it has to be eliminated.

And then in New Hampshire on July 3:

> Young people think politicians are corrupt. Know what? We are [said the Senator from Arizona] all corrupt.

Then on This Week on ABC, October 3, 1999, George Will said to the Senator from Arizona:

> Have you ever been or can you name a Republican who has ever been corrupted by the Republican National Committee?

The Senator from Arizona said:

> Not by the Republican National Committee, but all of us have been corrupted by the process where big money and big influence—and you can include me in the list where big money has bought access which has bought influence. Anybody who glances at the so-called 1996 Telecommunications Reform Act and then looks at the results—which is an increase in cable rates, phone rates, mergers, and lack of competition—clearly knows that the special interests are protected in Washington at the public. And the public interest is submerged.

George Will said:

> This is soft money to parties, that itself leads to corruption of Republicans?

And the Senator from Arizona says:

> Of course it does, George, and you work there and you see it.

Now my colleague from Arizona, on the Telecommunications Act of 1996, said:

> During hearings for the 1996 Telecommunications Act, every company affected by the legislation had purchased a seat at the table with soft money.

Now that was in a Bedford, NH, speech of June 30 of this year.

Referring now to the web site of my colleague from Arizona, there are charts that list accusations and lists of projects. Let me quote from the web site:

> In the last several years while Republicans have controlled Congress, special interest earmarks in appropriations bills have dramatically increased. The rise in pork barrel spending is directly related to the rise of soft money, as Republicans and Democrats scramble to reward major donors to our campaigns.

Straight from the web site, ''It's Your Country.'' And then there are projects listed as examples of projects presumably inserted into bills as a result of soft money contributions.

There is $26 million to compensate fishermen, fish processors, and fishing crews negatively affected by restrictions on fishing in Glacier Bay National Park, and $70 million for expanding a livestock assistance program to include reindeer, both those projects in Alaska, projects which—I assume the allegation is—were inserted in a bill as a result of a soft money contribution, which, as we all know, can only go to political parties.

In the State of Utah, the site lists $2.2 million for sewer infrastructure associated with the 2002 winter games in Utah as an example of an appropriations insertion, presumably as a result of some soft money contribution to a political party.

Then it lists the State of Washington, $1.3 million for the WTO Ministerial Meeting in Seattle, WA, and an exemption for the Crown Jewel Mine, in Washington, to deposit mining waste on land adjacent to the mine.

Further, on September 26, 1999, the Daily Outrage from the web site says:

> The largest producer of ethanol, Archer-Daniels-Midland Corporation, who gave lavishly to both political parties—for their contribution, ADM recently received an extension of ethanol subsidies totaling $75 million. It also suggested that ADM also benefits from sugar support programs that keep the price of corn syrup artificially high. This sweetheart deal gets ADM another $200 million a year.

Then today in the Wall Street Journal, the Senator from Arizona says:

> In the past several years, while Republicans controlled Congress, earmarks in appropriations bills have dramatically increased. The reason for this pork barrel spending is that Republicans and Democrats are scrambling to reward major donors to their campaigns.

The Senator from Arizona, I see, is on the floor. I am just interested in engaging in some discussion here about what specifically—which specific Senators he believes have been engaged in corruption.

I know he said from time to time the process is corrupted. But I think it is important to note, for there to be corruption, someone must be corrupt. Someone must be corrupt for there to be corruption.

So I just ask my friend from Arizona what he has in mind here, in suggesting that corruption is permeating our body and listing these projects for the benefit of several States as examples.

Mr. MCCAIN. Does the Senator yield the floor?

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Arizona.

Mr. MCCAIN. Recently there was a book written by Elizabeth Drew called ''The Corruption of American Politics.'' I commend it to the reading of the Senator from Kentucky. In chapter 4 titled ''The Money Culture,'' she says:

> Indisputably, the greatest change in Washington over the past twenty-five years—in its culture, in the way it does business, and the ever-burgeoning amount of business transactions that go on here—has been in the preoccupation with money.

Striving for and obtaining money has become the predominant activity—and not just in electoral politics—and its effects are pernicious. The culture of money dominates Washington as never before; money now rivals or even exceeds power as the preeminent goal. It affects the issues raised and their outcome; it has changed employment patterns in Washington; it has transformed politics; and it has subverted values. It has led good people to do things that are morally questionable, if not reprehensible. It has cut a deep gash, if not inflicted a mortal wound, in the concept of public service.

That is basically what Elizabeth Drew, who has been around this town for many years, said in her book. She states:

Private interests have tried to influence legislative and administrative outcomes through the use of money for a long time. The great Daniel Webster was on retainer from the Bank of the United States and at the same time was one of its greatest defenders in the Congress. But never before in the modern age has political money played the pervasive role that it does now. By comparison, the Watergate period seems almost quaint.

There was a time when people came to Washington out of a spirit of public service and idealism. Engendering this spirit was one of John F. Kennedy's most important contributions. Then Richard Nixon, picking up from George Wallace, and then Ronald Reagan, in particular, derided ''federal bureaucrats.'' The spirit of public service was stepped on, but not entirely extinguished.

But more than ever, Washington has become a place where people come or remain in order to benefit financially from their government service. (A similar thing could be said of journalists—and nonjournalists fresh out of government service—who package themselves as writers, television performers, and highly paid speakers at conventions.)

I have for many years had a set of criteria indicating that which I have said we cannot, should not, abide. Perhaps a lot of it is because I am a member of authorizing committees. I took the floor here just a couple of hours ago to talk about $6.4 billion that was added to the Defense appropriations bill. I will have to get the statement again to refresh myself with the specific numbers, but $92 million was for military construction projects which had not been authorized—no hearing, nothing whatsoever that had to do with the authorizing followed by the appropriating process.

I worked with a number of organizations: Citizens Against Government Waste, Citizens For A Sound Economy, and other organizations in Washington that are watchdog organizations. We developed a set of criteria. Those criteria have to do with: Whether it was requested in the President's budget, whether there was an authorization, whether there was a hearing, et cetera. There are a number. They are on their way over, the criteria I have used for many years.

Because when you bypass the authorizing and appropriating process, you obviously do not, No. 1, abide by the prescribed way we are supposed to do business around here; but then it opens up to improper procedures.

We have 12,000 enlisted families on food stamps. Yet we will spend $92 million, and other funds, on programs that the Secretary of Defense says specifically are not of the priority on which to be spending money:

I have said for 10 years I have reviewed annual appropriations bills to determine whether they contain items that are low priority, unnecessary, or wasteful spending. In this process I have used five objective criteria to identify programs and projects that have not been appropriately reviewed in the normal merit-based prioritization process.

These criteria are: Unauthorized appropriations, unrequested locality-specific earmarks, research-facility-specific earmarks, and other earmarks that would circumvent the formal competitive award process, budget add-ons that would be subject to a budget point of order, transfer or disposal of Federal property or items under terms that circumvent existing law, and new items that were added in conference that were never considered in either bill in either House.

The web site goes on to say:

Senator MCCAIN's criteria are not intended to reflect a judgment on the merits of an item. They are designed to identify projects that have not been considered in an appropriate merit-based prioritization process.

I do not intend to let this debate, which is about banning soft money, get into some kind of personal discussion here. I simply will not do it, except to say that Elizabeth Drew has it right. Many other people who judge this town have it right. The fact is, there is a pernicious effect of money on the legislative process.

I refuse to, and would not in any way, say that any individual or person is guilty of corruption in a specific way, nor identify them, because that would defeat—

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. MCCAIN. I would like to finish.

That would defeat the purpose because, as I have said many times before, this system makes good people do bad things. It makes good people do bad things. That is to go around the process which is prescribed for the Senate—the Congress of the United States—to operate under.

When I go to San Diego and I meet enlisted people who are on active duty who are required to stand in line for food, for charity, and we are spending money on projects and programs that are unwarranted, unnecessary, and unauthorized, I will tell my friend from Kentucky, I get angry.

I do not know much about the background of the Senator from Kentucky or his priorities, but I have mine. One is that I am not going to stand by without getting very upset when young Americans who are serving this country are on food stamps while we are wasting $6.4 billion in pork barrel projects.

All I can say to the Senator from Kentucky, if he wants to engage in this kind of debate, I think it will be a waste of our 5 days of time. But I believe, as Elizabeth Drew has said, this system is wrong, it needs to be fixed, and the influence of special interests has a pernicious effect on the legislative process.

The Senator from Kentucky is entitled to his view that he does not agree with that, or obviously the Senator from Utah. That is my considered opinion. But I will state to the Senator from Kentucky now, I am not in the business of identifying individuals or attacking individuals. I am attacking a system. I am attacking a system that has to be fixed and that has caused 69 percent of young Americans between 18 and 35 to say they are disconnected from their Government, that caused in the 1998 election the lowest voter turnout in history of 18- to 26-year-olds. Those 18- to 26-year-olds were asked: Why didn't you vote? And they said they believe we do not represent them anymore, because they have lost confidence. They say they will not run for public office, that they believe we are corrupt.

It is the appearance of corruption that is causing young Americans to divorce themselves from the political process, refuse to run for public office, and there is poll after poll and data that will so reflect.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. MCCAIN. I will be glad to yield for question.

Mr. MCCONNELL. By the way, I only quoted the Senator's comments and everything was quoted accurately. I raised the Senator's own words in the debate, words he has used as a justification for this bill that is currently before us.

I ask the Senator from Arizona, how can it be corruption if no one is corrupt? That is like saying the gang is corrupt but none of the gangsters are. If there is corruption, someone must be corrupt.

On the Senator's web site, he names some projects that he specifically says are in these bills as a result of soft money contributions which, of course, as we all know, cannot be received by anybody who votes anyway; they are given to a party.

I repeat my question to the Senator from Arizona: Who is corrupt?

Mr. MCCAIN. First of all, I have already responded to the Senator that I will not get into people's names. I will, indeed, repeat, again, to the Senator from the web site from which he is quoting. Here it is:

For 10 years, Senator MCCAIN has reviewed the annual appropriations bills to determine whether they contain items that are low priority, unnecessary, or wasteful spending. In this process, he has used five objective criteria.

And I go on to list them. That is why——

Mr. MCCONNELL. Does that equal corruption though?

Mr. MCCAIN. If the Senator from Kentucky will not accept that answer, there is no point in me continuing to answer. I have already answered.

Mr. MCCONNELL. I heard the answer, but the answer, I gather, deleted the word ''corruption.'' The suggestion is that these were inserted as a result

of some corrupt act by someone; is that right?

Mr. MCCAIN. No, that is not right. It is a system. It is a system that has violated the process and has therefore caused the American people to lose confidence and trust in the Government.

Mr. MCCONNELL. The Senator agrees ''corruption'' may not be appropriate. If there is no individual he can name who is corrupt, then ''corruption'' may not be the appropriate word; would the Senator agree?

Mr. MCCAIN. I would not, I say to the Senator from Kentucky. He is entitled to his views, his opinions, and his conclusions. I am entitled to mine.

Mr. MCCONNELL. I see the Senator from Utah.

Mr. BENNETT. I ask if the Senator from Arizona will yield further for a question?

Mr. MCCAIN. Yes, I will be glad to.

Mr. BENNETT. I am holding a copy of the web site in which the Senator from Arizona is quoted as follows:

In the last several years, while Republicans controlled Congress, special interest earmarks in appropriations bills have dramatically increased. The rise in pork barrel spending is directly related to the rise of soft money, as Republicans and Democrats scramble to reward major donors to our campaigns.

Immediately adjacent to that statement, as an example which ''will give you an idea of what laced this most recent trichinosis attack,'' again a direct quote from the web site:

. . . $2.2 million for sewer infrastructure needs associated with the 2002 Winter Olympics in Utah.

I plead guilty. I am the Senator who approached the Appropriations Committee to ask for that earmark.

I ask the Senator from Arizona if he can identify for me from the words he has used in the web site, ''the rise of soft money'' that came to me that caused me to approach the Appropriations Committee to ask for that money; specifically, I am going to ask the Senator from Arizona to identify the source of the money, the amount of the money, the recipient of the money that produced that which he describes on his web site as a direct result of, presumably, the money that was received.

Mr. MCCAIN. I will be glad to respond to the Senator from Utah. In September 19, 1997, I wrote a letter to the Senator from Utah. I never received an answer. A year later, I came to the Senator from Utah and handed him a copy of the letter. The Senator from Utah never answered.

Let me read parts from the letter to the Senator from Utah to remind him because he never answered the letter:

September 19, 1997, Honorable Robert F. Bennett, United States Senate, Washington, DC.

Dear Bob: I am writing about the recent efforts to add funds to appropriations measure for the 2002 Winter Olympics in Salt Lake City. By my count, the Senate has approved earmarks in three of the appropriations bills, earmarking $14.8 million for next year alone to fund various activities related to planning and preparation for the Utah Olympics. These funds were not included in the FY 1998 budget request, and many were not considered during the Appropriations Committee's review of the bills.

Bob, you are aware of my long history of opposing location-specific earmarks of taxpayer dollars. We discussed several of these amendments when they were offered, and I explained why I was particularly opposed to earmarking funds for the Olympics.

I have to say that I am disappointed with the approach being taken to earmark funding for the Utah Olympics. In light of the Republicans' long-fought efforts to balance the budget and provide relief to American taxpayers, and with all of the concerns about lack of federal resources to ensure that our children and less fortunate citizens are not unduly harmed as we reduce government spending, I am surprised that you would earmark millions of dollars for a sporting event. And I fear this is just the beginning—

And those fears in 1997 were well justified.

—if the experience of the Atlanta Olympics is any indication.

Of course, I understand your desire, and that of your constituents, to ensure that transportation, security, communications, and other support for the 2002 Olympics is completed in an efficient and cost-effective manner. However, I find it disturbing that adding money for the Olympics would be your highest priority, at least according to your staff.

Randomly adding millions of dollars to the appropriations bills, without benefit of appropriate Administration or Congressional review, is not the way business is done in the Senate, nor is it an appropriate way to ensure we spend the taxpayers' dollars wisely. That is why I have opposed unauthorized and location-specific earmarks in an appropriations bill, whether for the Olympics or for any other defense or domestic expenditure.

If this process, to which I am unalterably opposed, continues and these funds do not go through the normal authorizing and appropriating process, then I will have to use whatever parliamentary means are available to me to prevent further unauthorized expenditures of taxpayer dollars, for whatever purposes.

Again, Bob, I recognize that proper preparation for the Olympics is vital to the success of the games. It seems to me, though, that the best course of action would be to require the U.S. Olympic Committee, in coordination with the Administration and Congress, to prepare and submit a comprehensive plan detailing, in particular, the funding anticipated to be required from the taxpayers for this event. As you may know, the Commerce Committee, which I chair, has jurisdiction over the activities of the U.S. Olympic Committee. I am willing to work with you, the Administration, and the Olympic Committee to devise such a plan, and I will hold hearings in the Committee as expeditiously as possible to review the plan and provide appropriate authorization for appropriations in support of an approved plan.

Please call me so that we can start work immediately to establish some predictability and rationality in the process of preparing for Olympics events in our country.

Sincerely,

JOHN MCCAIN.

That was written to you in September of 1997, a little over 2 years ago. Since I received no response whatsoever, a year later I handed you a copy of this letter asking for a response. I know how busy you are, but I never got an answer.

But what I did see was exactly what I was warning about in 1997; that is, these unauthorized, unappropriated moneys going into an enterprise—which since then we have found out has maybe had some other problems associated with it, which my committee is going to have hearings about.

So my answer to you, sir, is that even in light of the fact that I wrote you a letter and then personally handed you a copy and beseeched you to go through the normal process of authorization and appropriation as prescribed by the rules of the Congress of the United States, you refused to do so; therefore, I identified it on my web site as not meeting the criteria that I mentioned before.

Now, I will repeat again what Elizabeth Drew wrote in her book that this process of money has done great damage to all of us and has had a pernicious and corrupting effect on the process.

But for you to say that this clearly unauthorized, unacceptable procedure, at least as far as my taxpayers are concerned, because the people of Arizona would at least like to have a hearing before their tax dollars go to the State of Utah—this is, in my view, something that we have to obviously fix.

I do not know if we will ever stop this practice of earmarking and pork barreling, but I will never stop resisting it. And I will never stop trying to see that the taxpayers of America receive an open and fair hearing before—I have forgotten. We will total it up for the RECORD later on how much you stuffed into the appropriations bills without a single hearing. We will total it up. In fact, I think it was—oh, yes, the GAO estimates that the Federal funding and support plan for the 2002 Olympics and Paralympics in Salt Lake City totals more than $1.9 billion in Federal funding.

I am on the oversight committee. We have never had a hearing on that oversight because it has never been requested. It has been stuffed into an appropriations bill, sometimes even in a conference report. I would think that the Senator from Utah might think that is not a good way to do business in the Congress of the United States, and it then gives rise—then gives rise—to the suspicion that young Americans have about the way we do business and whether they are well represented.

I go to schools in Arizona. I say to the schoolchildren, Do you know that $1.9 billion of your money and your parents' money is going to support the 2002 Olympics and Paralympics, without a hearing, without a decision as to whether it is needed or not, without any kind of scrutiny; that there is a Senator who goes through the appropriations process, puts it in an appropriations bill, and it is a line item that we read about?

Then maybe you can understand a little better why there is this suspicion, I would say to the Senator from

Utah. In fact, I would hope the Senator from Utah would, as a result of this dialogue, understand why people to whom I talk all over America are so upset about the way we are doing business here in Washington.

Mr. BENNETT. May I respond?

Mr. MCCAIN. I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. At some future point, Mr. President, I shall be happy to debate the appropriateness of Olympic appropriations with the Senator from Arizona. That was not my question.

The Senator from Arizona has not answered my question. And Elizabeth Drew is not capable of answering my question because Elizabeth Drew did not make the accusation.

The accusation is made on the web site ''It's YOUR Country.com'': ''The rise in pork barrel spending is directly related to the rise of soft money.'' And one example of that is the $2.2 million appropriation for sewer and infrastructure associated with the Winter Olympics.

My question to the Senator from Arizona was—and remains—not, is the appropriation for the Olympics appropriate or not? My question for the Senator from Arizona is, who gave the soft money? How much was it? And where did it go that resulted in my actions being taken?

Now, let me point out that it is possible to answer those questions with respect to corruption. I sat as a member of the Governmental Affairs Committee that examined what happened in the 1996 election.

I will give you three examples that I want to apply to this context. Then if the Senator from Arizona will give me an answer, I will yield to him for an answer to my question.

Example No. 1: Who gave the money? is the question. The answer is: Roger Tamraz, a fugitive from justice from many countries in the world.

Second question: How much? $300,000.

Third question: To whom? The Democratic National Committee.

Fourth question: What did he get for it? The answer is he got invited to the White House, a dinner with the President and a conversation with the President, that which is facetiously referred to as ''face time,'' despite the fact that the National Security Council told the White House that Roger Tamraz should not be allowed in the White House because of his background.

There are the four elements: Who gave the money? How much was it? Where did it go? And what was the quid pro quo? All four are identifiable. I would be willing to say that constitutes corruption.

Roger Tamraz gave $300,000 to the Democratic National Committee to earn entry into the White House and ''face time'' with the President, in spite of the warning by the National Security Council that he should not do that.

Example No. 2. The Riady family. Who gave the money? The Riady family. They were the largest single contributor to the Clinton campaign in the 1992 election. How much? I don't have that total. It was in the millions. To whom was it given? Soft money. It went to the Democratic National Committee.

What was the quid pro quo? The quid pro quo was the placing of John Huang in the Commerce Department where he could become, in the words of the Riadys—of James Riady—''My man in the U.S. Government.''

There are the four elements: Who gave the money? The Riadys. How much was it? In the millions. Where did it go? The Democratic National Committee. And what did they get? An appointment of their individual buried inside the administration.

No. 3, not quite as clear, but nonetheless the four elements are there. The Indian tribe that was approached by the Democratic National Committee, an Indian tribe that was one of the most impoverished in the United States.

What did they want? They wanted the return of what they considered to be ancestral lands. They were told, if they gave hundreds of thousands of dollars to the Democratic National Committee, they would receive the lands that had been taken away from them decades prior. They raised the money.

Where did the money come from? It came from the Indian tribes. How much was it? It was in the hundreds of thousands of dollars. Where did it go? It went to the Democratic National Committee. What did they get for it? In fact, they got nothing because the administration was unable to return the lands. That was the case of a scam, in my opinion, that is corrupt.

So I come back to this question to the Senator from Arizona, or anyone else who can answer it: With respect to the $2 million that was appropriated for sewer infrastructure in Utah, I want to know, who gave the money? How much was it? Where did it go? And where was the quid pro quo that I delivered on?

I am unaware of any money that was given by anybody in any amounts that influenced my action here. But I have been accused on a web site, for the entire world to see, of caving into soft money. I have been accused of being corrupt. I have been accused of doing something in this body solely because—and I quote—''The rise in pork barrel spending is directly related to the rise of soft money.'' As I say, I will engage in a debate over the wisdom of Federal support for the Olympics in another time and in another venue. The issue has nothing to do with that question. The issue is whether or not a Member of the Senate, when he is accused of corruption, has a right to know the details of the corruption; whether a Member of the Senate has the right to know, when his young people are told by one of his colleagues that he is corrupt and, therefore, the young people in his State may be discouraged from running for public office or may feel ill about the system, because they are told their Senator is corrupt, he has the right to know the details of that corruption accusation. I believe that is a fundamental right of every Member of this body.

I am asking the Senator from Arizona to answer those questions: Who gave the money? How much was it? Where did it go? How did it affect my actions with respect to the Appropriations Committee?

I am prepared to yield to the Senator from Arizona for an answer to that, if he wants to do it now, or I will give him a chance to research it, if he prefers. It has nothing to do, in my view, with Elizabeth Drew or with actions within the Appropriations Committee so much as it has to do with the accusation that has been made about me personally, to which I take personal offense.

Mr. MCCONNELL. If the Senator will yield for one observation before Senator MCCAIN responds, Senate rule XLIII seems to be the rule that applies here. It says: The decision to provide assistance may not be made on the basis of contributions or services, or on promises of contributions or services, to the Member's political campaigns or to other organizations in which the Member has a political, personal, or financial interest. That is Senate rule XLIII relating to constituent service, which appears to be the applicable Senate rule in this situation.

Mr. BENNETT. Mr. President, I am prepared to yield to the Senator from Arizona to respond if he wishes.

Mr. SCHUMER. Will the Senator from Utah yield for a question?

Mr. BENNETT. I am happy to yield to the Senator from New York.

Mr. SCHUMER. I thank the Senator from Utah for yielding and I understand his anger and anguish about this specific allegation. I do not wish to comment on the details other than to say I have complete respect for the integrity of the Senator from Utah and have witnessed it in my time here.

My question is this: Given all of the examples he has mentioned, some of which he thinks are conclusive cases—first I think it was three, and then he said the fourth was maybe a little less conclusive

Mr. BENNETT. Two and then three.

Mr. SCHUMER. Excuse me. The two he said were conclusive and the third possibly conclusive. The allegations that he feels, at least in my judgment, correctly, wounded about, don't all of these questions and particularly the cases that the Senator has laid out—and I am not commenting on whether I agree with his cause and effect—make as strong a case as we have seen for passing some campaign finance reform? Doesn't it importune the gentleman from Utah, and so many others in this Chamber, that we pass something because all of these allegations fly

around? And in fairness to the Senator from Arizona, when I heard his response, he was talking about appearances as opposed to realities, but appearances that are damaging to the body politic, whether there is reality or not.

My question to the good Senator from Utah is, once again, don't the instances that he has outlined, the ones not referring to himself but the ones he believes fervently about the Democratic National Committee, motivate him to fight very hard that we pass something, not allow a filibuster to prevent us from passing it, and do something good for campaign finance reform? It seems to me the logic is sort of inexorable, as inexorable as the logic of the Senator's piercing questions about his specific case.

I thank the Senator for yielding and ask him to respond.

Mr. BENNETT. I am happy to respond. If I were convinced the legislation before us would achieve the result that is claimed for it, I would vote for it happily. My concern with the legislation before us is that it, in fact, would make things worse rather than better. We can discuss that and those details at an appropriate point in the debate.

I don't want to dodge it because I think the point the Senator from New York is making is a legitimate one, and his logic is, indeed, inexorable. The one hole I see in it is his assumption that this bill before us would work. My conviction, after reading it carefully, is that it not only would not work but would do serious damage to our first amendment rights.

I come back to the fundamental question we are dealing with in terms of the spirit of this debate and the spirit in which it is cast. This debate is being cast in the national press and over the Internet and, indeed, in the Presidential campaign as a debate between the incorrupt and the corrupt. I have been labeled as being on the side of the corrupt, and I don't like it.

If I am, I want to be identified in such a way that makes it clear that I am, instead of in a broad brush kind of way. One of the things we all try to avoid is tarring people with broad brushes. This is not a broad brush. This is a specific charge that then is drawn over into the broad brush of ''we are all corrupt.'' I want to know from whom did the money come, how much was it, and to what organization did it go that caused me to take the action I took.

In the absence of being able to produce those statistics, I think the charge that I am corrupt should be withdrawn. That is what I am saying. That is what I am going to continue to say as a matter of personal privilege until we get this thing resolved. It has nothing whatever to do with the merits or demerits of funding for the Olympics on the Federal level. It is a question of my position, of personal integrity, that, in my view, has been impugned on a web site available to the entire country.

Mr. MCCAIN. Does the Senator yield the floor?

Mr. BENNETT. I will yield for a response to my question. If it means yielding the floor, I am happy to yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I don't want to keep the Senator from Arizona from responding, if he is ready to.

Mr. MCCAIN. I would like the floor to respond.

Mr. MCCONNELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, first of all, the Senator is incorrect. I did not accuse him of being corrupt. No apology or withdrawal is warranted.

Secondly, the Senator engaged in a continuous practice of violating the rules of the Senate, which require authorization and then appropriation, for several years now. I hope that the Senator, as a product of this debate, will seek an authorization for the $1.9 billion which the GAO has identified as going to the Olympics. The Olympics have had a lot of problems in addition to that. I hope the Senator will address those as well.

The third point is, indeed, banks and securities gave $14 million in soft money. They got, in the last tax cut, $38 billion in tax breaks.

Restaurants and hotels gave $3 million in soft money; they got $14 billion in tax breaks.

The oil and gas industry gave $19 million in soft money; they got $5 billion in tax breaks.

Between 1991 and 1997, the chemical, iron, and steel manufacturing industries gave $22.2 million in soft money to the political parties. The 1999 tax bill included a provision to eliminate the alternative minimum tax, which will allow these industries to completely eliminate their tax liability in any one year. If the bill had not been vetoed, this single change would have saved these industries $7.9 billion over an 8-year period or almost $1 billion a year.

Over the last decade, the oil industry has given $22 million in soft money donations to the political parties. What did they get? The 1999 tax bill included a provision to remove the current limit of 35 percent on Federal tax credits that oil companies can take for taxes they pay to foreign countries. If the bill had not been vetoed, the provision would have allowed oil companies to take much larger credits against their tax liability, saving them $800 million a year; return on investment, 3,600 percent.

Between 1995 and 1998, the restaurant and hotel industry gave $4.3 million in soft money to the political parties.

The 1999 tax bill included a provision to increase tax deductibility of business meals to 60 percent, although the industry wanted 100 percent. If the bill had not been vetoed, this provision reviving the three-martini power lunch would have cost taxpayers $4 billion over the next 10 years. The list goes on and on, I say to the Senator from Utah.

Now, the specific language says in the appropriations bill:

> Special interests unlimited campaign contributions were a key ingredient in the pork stew that is choking the American people.

They were a key ingredient in all of these that I described. Perhaps they were not in the case of the Senator from Utah. Perhaps the Senator from Utah just decided to violate the rules of the Senate, and he is free to do that, although I will do everything in my power to see that this $1.9 billion is restrained.

Now, I finally want to mention an incident. I was in the Republican caucus when a certain Senator stood up and said it was OK for you not to vote against the tobacco bill because the tobacco companies will run ads in our favor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, the Senator from Arizona has not named the Senators who were allegedly responsible for inserting all of the provisions that he listed in various and assorted bills, which he suggests were inserted as a result of soft money contributions to political parties.

So the question remains: Who were the Senators?

There was, however, at the end of his remarks, a not-so-veiled reference to this Senator, to which I would like to respond. Senator MCCAIN suggested, I assume, as I heard him correctly a few moments ago, that as a result of the tobacco debate last year—and I might mention to my colleagues I have 45,000 tobacco growers; before the Clinton administration, I had 60,000 tobacco growers, and they are falling daily. These are the hard-working farmers engaged in producing a legal crop that representatives of Kentucky, regardless of party, seek to defend.

In any event, Senator MCCAIN brought up the way the tobacco debate ended last year, and there were allegations in the paper that this Senator, the Senator from Kentucky, had said to everyone: Don't worry about defeating the tobacco bill, the tobacco companies will be out there doing issue ads.

As a result of that assertion, there was a complaint filed against me, and I want to refer to a letter from the Justice Department of January 29, 1999, to Chairman ORRIN HATCH:

> I am writing in further response to your letter of September 8, 1998, regarding the complaint filed with the Federal Election Commission by the National Center For Tobacco-Free Kids. Consistent with the Department's longstanding practice, we deferred any inquiry until issues arising under the Federal election laws have been reviewed by the FEC. We did, however, agree to review the portions of that complaint related to 18 U.S.C. 201 [which is a criminal statute]. After careful examination, the criminal division has concluded that there is insufficient

evidence to warrant a criminal investigation.

So the suggestion that the Senator from Arizona was making was that I, representing 45,000 tobacco growers, was somehow trying to defeat a tobacco bill because of some alleged assistance by the tobacco industry to political parties. I might say to the Senator from Arizona, I am deeply offended by that. I don't know who are the most important and largest number of constituents in Arizona that he works for, but I try to help the 45,000 tobacco growers in my State. I try to defeat tobacco bills when they come before the body, as did Wendell Ford of the Democratic Party when he was here all those years. I don't need any contribution from anybody to myself, to the National Republican Senatorial Committee, any of our parties, or anybody, to stand up and defend the 45,000 tobacco growers from my State.

So I repeat to the Senator from Arizona, the question before us is not reading a list of what he considers to be inappropriate projects. That is not the issue. The issue is, where is the corruption? You cannot have corruption unless somebody is corrupt. There is not corruption without somebody being corrupt. You can't say the gang is corrupt and none of the gangsters are. If the Senator from Arizona believes there is corruption, he has an obligation, under the Senate rules and the Federal bribery statute, to name the people. Who is being corrupt? Who are the people putting all of these items in these bills? What was their impetus for doing it? Who made the contribution, as the Senator from Utah said, and to whom? Where is the corruption?

Mr. MCCAIN. Does the Senator yield the floor?

Mr. MCCONNELL. Yes.

Mr. MCCAIN. Mr. President, I have responded. It is time to move on. If the Senator from Kentucky has an amendment concerning this issue, I will be glad to address it. I have responded, and I will continue to respond. I am trying to change a system that corrupts all of us. I believe there is ample evidence, as I have cited, of this system's pernicious effect, in my view, and in the view of most objective observers. I am not going to let this debate, in the few days we have, get bogged down on this issue. It is time we move on with the amending process. I have responded. I have said to the Senator from Utah and the Senator from Kentucky that I am fighting a system here. I will continue to fight that system, with its pernicious effects on the American people.

Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair observes that the priority of recognition is determined, first, by Senator LOTT, the majority leader; second, the distinguished Democratic leader; third, by the manager of the bill; and also the designee of the minority leader; or by service on the committee of jurisdiction in order of seniority.

In that regard, I recognize the Senator from Kentucky.

Mr. MCCONNELL. I thank the Chair.

Mr. President, we are not bogged down; we are just getting started. We just took the bill up a few moments ago. At the heart of this whole debate—elevated now to a Presidential campaign—are allegations of corruption.

All I am asking is a very simple question: Where is the corruption? The Senator from Utah is trying to get an answer to his question, and I haven't heard it yet. I know the State of Washington is also listed on the web site. I wonder if the Senator from Washington would also like to take the floor. I ask my colleague from Washington if he has also noted the web site that we were discussing earlier, in which a couple of projects from Washington are referred to.

Mr. WELLSTONE. Mr. President, may I make an inquiry?

Mr. MCCONNELL. I believe I have the floor.

Mr. WELLSTONE. I have a question; that is all it is.

I ask my colleague from Kentucky, for those of us who want to debate this larger question, how long will you continue with this attack of Senator MCCAIN on the floor? How much longer is that going to happen?

Mr. MCCONNELL. Mr. President, I thank my friend from Minnesota for his question.

I now turn to the Senator from Washington and ask him if he noted on the web site the suggestion about $1.3 million for the World Trade Organization's ministerial meeting in Seattle, WA, the Senator's State, and an exemption for the Crown Jewel mine in Washington State to deposit mining waste on additional land adjacent to the mine. Listed on the web site of Senator MCCAIN are examples of ''pork barrel spending is a direct result of unlimited contributions from special interests.''

Mr. GORTON. The Senator from Kentucky is correct. There are quotations from Senator MCCAIN's web site. There are two that I thought particularly bizarre coming from one of my closest friends in the Senate.

The first of those two is——

Mr. FEINGOLD. Mr. President, I ask the Chair, who has the floor?

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. FEINGOLD. I wonder how a Senator can ask another Senator to yield the floor.

Mr. MCCONNELL. Mr. President, as I understand it, seniority is a factor in the floor recognition. If I yield the floor, the Senator from Washington would be the senior Senator on the floor to be recognized first.

Mr. FEINGOLD. I don't believe one Senator can ever yield the floor to another Senator.

The PRESIDING OFFICER. If the Senator yields the floor, it is the judgment of the Chair to recognize whichever Senator would rise to his feet and be recognized.

Mr. MCCONNELL. I believe I have the floor.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. MCCONNELL. I believe the Senator from Washington would surely——

Mr. GORTON. I ask the Senator from Kentucky to yield for a question.

Mr. MCCONNELL. I yield to the Senator from Washington for a question.

Mr. GORTON. In the web site to which the Senator from Kentucky has referred, there is the statement by the primary sponsor of this bill that ''pork barrel spending is a direct result of unlimited contributions from special interests.''

The first example in the——

Mr. MCCAIN. The Senator is incorrect. Will the Senator yield? The Senator is incorrect. He is incorrect in his statement. The statement says ''a key ingredient''—the ''key ingredient.'' It doesn't say that it is the cause of it. So I hope the Senator will at least quote my web site accurately.

Mr. GORTON. I am reading from what I believe is the web site. I think one sentence in the paragraph that doesn't have——

The PRESIDING OFFICER. The Senator will suspend. The Senator from Kentucky has the floor, and the Senator is posing a question to the Senator from Kentucky.

Mr. GORTON. I pose a question to the Senator from Kentucky.

Mr. MCCONNELL. I yielded to the Senator from Washington for a question. Is that permissible?

The PRESIDING OFFICER. The Senator is correct.

Mr. GORTON. To the best of my knowledge, I say to the Senator from Kentucky, I am reading from a web site of the Senator from Arizona, which includes the sentence that says, and I quote, ''Pork barrel spending is a direct result of unlimited contributions from special interests.''

In this particular list, entitled ''The List Goes On and On,'' the very first example is a $1.3 million earmark for the World Trade Organization ministerial meeting to be held in Seattle, WA.

Just what pork barrel spending is and just how that spending is a result of unlimited contributions from special interests is a matter that the Senator from Washington fails totally and completely to understand.

I say to the Senator from Kentucky that the appropriation was the result of a request made by the U.S. Trade Representative in what I believe is a Democratic administration to the two Senators from Washington for assistance in financing a governmental operation—a U.S. governmental operation—the U.S. Trade Representative's participation in that World Trade Organization meeting to be held in Seattle.

I ask the Senator from Kentucky, since the Senator from Arizona has refused to answer these questions of him,

or similar questions from the Senator from Utah, how in the world can an appropriation to a unit of the U.S. Government to conduct trade negotiations be either pork barrel spending or the result of unlimited contributions from special interests? Can the Senator from Kentucky enlighten me on an answer to that question?

Mr. MCCONNELL. I say to my friend from Washington that I am mystified. I do not recall a situation where you have corporate contributions to the government that might then—it is a mysterious thing to think that kind of a proposal could be a result of soft money. It is important to remember that candidates for office can't receive soft money anyway. The contribution is to a party, and parties don't vote. I am astonished by the allegation. I am not sure I can answer the question because it is a mystery.

Mr. GORTON. A second question: There is a second accusation on another portion of the web site: The part that ''This 'Pork Delight' took the form of the 1999 emergency supplemental appropriations bill. Special interest unlimited campaign contributions were a key ingredient in the pork stew that is choking the American people.''

One of those is, ''An exemption for the Crown Jewel mine in Washington State to deposit mining waste on additional land surrounding the mine, even though other mines were denied similar permission.''

First, I ask the Senator from Kentucky, I don't see any appropriations or any use of the taxpayers' money in that connection. I have checked with the mining company in question that tells me they have never made a soft money contribution to any party or any group whatsoever.

I have letters from the county commissioners of the county in question praising this action—in fact, from a labor union that is usually not a supporter of the Senator from Washington on the same account—because this is one of the most poverty-stricken counties in the State of Washington, the Federal Government having closed almost all the timber harvests on public lands, other organizations having bought up other timberlands to prevent their harvest, and the administration being in the process of cutting off irrigation water to farmers. After 7 years of study and $80 million in complying with every single environmental law in the State of Washington, or for that matter the Federal Government, this company was denied its permit after a 100-year policy by a single bureaucrat.

I ask the Senator from Kentucky, in the absence of an answer from the Senator from Arizona, isn't this what we are supposed to do, represent our constituents? What soft money contribution could possibly have influenced this? One may certainly disagree with the policy.

Mr. MCCONNELL. I say to my friend from Washington that it is inconceivable to me how a soft money contribution to a political party would have anything to do with a project for a Senator's home State. I am mystified by the connection. It is astonishing.

We have here rampant charges of corruption and yet no names are named, no transactions are named. You know it is not unusual for the newspapers looking to sell copies or talking heads looking for air time to point to an alignment of interests among member parties, issue groups, and contributors and speculators maybe even going so far as to infer that official actions were taken in exchange for campaign support.

Mr. GORTON. Will the Senator yield for a question?

Mr. MCCONNELL. I yield for another question.

Mr. GORTON. The Senator from Arizona said he wants to get back to the issues involved. I assume the Senator from Kentucky would agree with me that reasonable Members can differ on questions of high public policy, on the way in which we finance political campaigns, on how the Constitution of the United States with its unequivocal demand that Congress shall pass no law respecting the freedom of speech should be interpreted; that all of these are appropriate matters for debate, but that they are far better debated upon the merits, and, in general, accusations of a corrupt system, and rather specific examples pointed at individual Members without the slightest degree of proof, without evidence at all that they were related in any respect whatsoever to this matter—that these are separate questions but they are related questions when the proposition——

Mr. WELLSTONE. Mr. President, I call for regular order.

Mr. GORTON. Should result from—

The PRESIDING OFFICER. The Senator from Kentucky has the floor and has yielded for a question.

Mr. GORTON. These unproven allegations.

Does the Senator from Kentucky agree that these are separate but highly related and relevant questions?

Mr. MCCONNELL. I agree completely with the Senator from Washington. What we have here suggests that there can be corruption but no one is corrupt.

How can there be corruption unless someone is engaging in corrupt activity? I say to my friend from Washington, as I said earlier in this debate, that is similar to saying the gang is corrupt but none of the gangsters is.

It is shocking to have these allegations when there are no specifics.

Mr. BENNETT. Will the Senator yield for a question?

Mr. MCCONNELL. Yes.

Mr. BENNETT. In response to my comment, the Senator from Arizona said I was violating the rules of the Senate in terms of what I was doing. He said he had not accused me of corruption. The Senator from Kentucky has been in the Senate longer than I and been on the Appropriations Committee longer than I. I ask, have my actions been violative of the rules of the Senate?

Mr. MCCONNELL. I say to my friend from Utah, no rule of which I am aware.

What we really are talking about in this particular debate on this particular amendment, which I will describe in a moment and have not described yet, is the whole notion that there is corruption. Yet no one is named. Somebody is alluded to, as the Senator from Utah and the Senator from Washington were, yet there is no proof.

Mr. BENNETT. If I could ask an additional question, is the appropriations process, as it has been followed in this Congress and previous Congresses under Republican leadership and democratic leadership, in and of itself, demonstrative of corruption if there is an appropriations action that is not authorized?

The Senator is the chairman of the Ethics Committee, and I see the other member of the Ethics Committee leadership on the floor in the form of Senator REID. I ask, is this process, as it is being practiced and handled, virtually on a routine basis, violative of the rules of the Senate?

Mr. MCCONNELL. If to appropriate an unauthorized sum of funds were a violation of Senate rules, there would be a lot of Senators in trouble around here. We try to do it through the authorization and then appropriations process, but to suggest that it is somehow unsavory or inappropriate behavior for there to be an appropriation without an authorization I think is stretching the matter quite a distance. There is certainly nothing improper about it.

We can have a policy argument about whether every single item ought to be authorized—and most of them are—but it certainly would not be appropriate to cast aspersions on the integrity of a Member of the Senate for trying to deliver something for his or her home State that might have at some point not been authorized by an authorizing committee.

What is new is Senators who serve here, walking these Halls every day, who meet with their fellow Senators every day, who watch their fellow Members take official actions every day, go before the American people and declare openly and with great conviction that votes are being bought in the Halls of the U.S. Capitol. When Senators make those kinds of allegations about their colleagues, I think we are suggesting they ought to back it up. They ought to back it up.

There are specific rules in the Senate that prevent taking an official action in order to reward somebody for a contribution. In addition to that, we have bribery statutes involving public officials:

Any public official who ''directly or indirectly,'' corruptly, demands, seeks, receives,

accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for . . . being influenced in the performance of any official act . . . shall be fined under this title . . . or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

We have suggestions of violations not only of Senate rules but of Federal bribery statutes, without specifics. That is unfair to the Members of this body who are doing their very best to represent their constituents who are honest, hard-working, and good citizens. It is unfair to the Members of the Senate to have these aspersions cast on their honor and the honor of this institution.

There is an amendment at the desk which is the subject of this debate. Let me describe what it would do. It is an amendment that would amend the Senate Code of Conduct to create an affirmative duty for all Senators who report any credible information of corruption directly to the Ethics Committee. As a former chairman of the Ethics Committee, I am familiar with Ethics Committee rule 3 that requires every member of the Ethics Committee to report credible information of corruption to the committee.

The charges of corruption that are being made in this body require Members to extend the Ethics Committee rule to the full Senate. In the past, there has been an affirmative duty on the part of members of the Ethics Committee to report information about corruption directly to the committee. I think that now should be extended to the whole Senate because we have a number—at least two Members of the Senate—who have been alleging corruption. They have an affirmative duty, if this amendment passes, to report that corruption to the Ethics Committee so we can all get to the bottom of it because these allegations demean the entire Senate.

The message of this amendment is simple. If any Member of this body knows of corruption, he or she must formally report it to the Ethics Committee. In addition, the amendment also amends the Federal Criminal Code to establish mandatory minimum penalties for public officials who engage in corruption.

Our criminal law is full of mandatory minimum penalties already. We have imposed them for a variety of different offenses over the years. For example, arson on Federal property requires a mandatory minimum penalty of 5 years in prison; special immigration attorneys disclosing classified information requires a mandatory minimum penalty of 10 years imprisonment; bribery involving meat inspectors requires a minimum of 3 years imprisonment; bribery involving harbor employees requires a minimum of 6 months imprisonment.

We have mandatory minimum penalties for bribery involving harbor employees and meat inspectors. Surely it is not too much to ask we establish mandatory minimum penalties for bribery involving public officials.

My amendment establishes that a conviction involving bribery of public officials as set forth in 18 USC 201 triggers a mandatory minimum penalty of $100,000, 1 year imprisonment, and disqualification from holding any office of honor, trust, or profit under the United States.

As Henry Clay once stated, ''Government is a trust and the officers of the government are trustees.'' I believe that principle to be true. These amendments firmly establish the principle in our Senate Code of Conduct in our criminal law.

Before we pass laws that restrict the free speech rights of every American citizen, we should restrict ourselves. Let's regulate the 100 men and women who cast votes in this great body before we regulate the speech of more than 250 million Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Kentucky.

Mr. MCCAIN. Will the Senator yield for one question?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. I know the Senator is aware, but for clarification, on my web site I state the general proposition that soft money creates pork barrel spending. I then identify a recent appropriations bill as an example of how big the problem of pork barrel spending is. Nowhere should it be interpreted that every single one of those pork barrel projects are as a result of soft money. But they are a result of a violation of criteria that I have held for 10 years, which the Senator from Utah seems to think is OK, which bypasses the authorizing process. I am sure the Senator from Wisconsin appreciates it.

Who is corrupted by this system? All of us are corrupted by it because money buys access and access is influence. The object is not to get into a vendetta about who is corrupted and who is not because the system is what needs to be fixed. We would never fix the system if I got into a business of finger pointing, name calling. For 10 years I have identified pork barrel spending which violates a process and criteria set up, not by me, but by the Citizens Against Government Waste, Citizens For a Sound Economy, National Taxpayers Union, and other objective and respected watchdog organizations.

Finally, I would say I hope the Senator from Wisconsin will ask the Senator—I am ready to accept his amendment by voice vote. I hope the Senator from Kentucky appreciates the fact that we entered into this agreement and did not hold up the Senate so we could have an amending process going back and forth on both sides of this issue. I hope that is what will be adhered to.

I also would say it is customary in this body to recognize one Member on this side of the aisle and another Member on the other side of the aisle, with the exception of the distinguished majority leader and Democrat leader. So I hope we could get some comity in this process, as we had intended to do at the beginning as part of the agreement.

I ask my friend from Wisconsin if he agrees with that?

Mr. FEINGOLD. I thank the Senator from Arizona for his question. I certainly do agree with it. I appreciate the way he said it.

I think we all agreed early on we would easily accept an amendment such as this. I want to make a couple of comments before we go forward with it.

I think a serious omission has been made in this conversation about what the standard is with regard to corruption. The Supreme Court in Buckley v. Valeo did not just speak of corruption, which is the standard the Senator from Kentucky insists on. It also clearly refers to the appearance of corruption. So any suggestion that we have to demonstrate in this case or that case that there is actual corruption flies directly in the face of what the law of the land is under Buckley v. Valeo. So there is not a problem with the amendment itself. I question how much it has to do with the debate before us. I think it is irrelevant unless the Senator from Kentucky believes we do not have bribery laws, but I don't see any problem with it.

Mr. BENNETT. Will the Senator yield for a question?

Mr. FEINGOLD. I will in a moment. I want to make a few comments because it was very difficult to get the floor, given the method of recognition used this morning.

But the irony of this amendment, even though it certainly is acceptable, is that the corruption that is so evident is evident as a moral matter; it is a matter of governance. It is not recognized by the current law—except perhaps in cases I don't know about—as

actual legal violation or a crime. The corruption our bill seeks to ban now is perfectly legal. That is the point. It is perfectly legal and it would not be reached as a legal matter by this amendment. This amendment would not reach the kind of soft money contribution we are talking about.

The Senator from Kentucky knows this very well and almost revels in the loophole that would swallow the law. It is very important to recognize because I hope someday this gets before the U.S. Supreme Court.

The Senator from New York said: Well, we already have a record of at least the appearance of corruption as provided by the Senator from Utah.

Remember, our bill doesn't just affect congressional soft money; it also affects money used in Presidential elections, and thanks to the Senator from Utah, we now have on the record for the Justices to examine, his conclusion—which I believe is a fair statement—that you at least believe there was an appearance of corruption with regard to the Mr. Tamraz situation and the Indian tribe situation.

I have to tell you, when I saw the TV show about the contributions with regard to the Indian tribe, it was one of the saddest things I have ever seen. Just as a citizen of this country, not as a Senator, if that didn't have the appearance of corruption, I don't know what would.

To suggest there is a connection between soft money and an appearance of corruption is very legitimate, and I thank the Senator from Utah for putting on the record three examples of what I think easily qualify as appearances of corruption. Certainly, the American people regard it as the appearance of corruption. That is the standard. The standard is not what the Senator from Kentucky is trying to make the standard, that we have to walk in here with documented corruption that is tantamount to bribery. There are laws on the books for that. The whole point is these practices are perfectly legal and nobody should be in trouble under the law for doing something that is perfectly legal.

Let me read from Buckley v. Valeo because this is the central confusion on this whole debate this morning, that somehow the standard is that Senator MCCAIN or I or somebody else has to walk in here with evidence of corruption. In fact, it would probably be a violation of rule XIX of the Senate if we did. But that is not even our point. It doesn't have to do with individual Members of the Senate; certainly not anything I have tried to do. Let me read from what the Court said. The Court specifically pointed out that you don't have to prove bribery in order to have a justification for some kind of limits on campaign contributions. The Court said:

> Laws making criminal the giving and taking of bribes deal with only the most blatant and specific attempts of those with money to influence governmental action. And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or the appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

This is where the Senator from Kentucky is not properly stating what the Court asked for. The Court does not say it must be only the reality of corruption. The Court says it may be the appearance of corruption, and that is often going to be in the eyes of the beholder. And Senators can disagree about what is the appearance of corruption and can amass evidence for the record of what may be the appearance of corruption, and that is what I have done by my calling of the bankroll and nobody objected for 14 times when I pointed out what appears to be a corrupting influence of multihundred-thousand-dollar contributions. It is not only the appearance of corruption, but that this is inherent, according to the Supreme Court, it is of the nature of large contributions. So this bar that the opponents of reform raise for us, that somehow we have to come in here with a pile of evidence of what everybody knows is true; that is, that soft money has a very inappropriate influence on our legislative process—I reiterate, not an illegal influence. That is why we need a law. That is why we are here. We need to make these kinds of unlimited contributions clearly illegal once again.

Mr. President, I certainly have no problem with accepting the amendment, having had the opportunity to express my view that this debate, thus far, was not directly related to the issue of soft money. But I will be happy to yield for a question from the Senator from Utah.

Mr. BENNETT. Mr. President, I appreciate the comments made by my friend, and I ask him if, in his opinion, the appropriation of funds that are not authorized is an automatic appearance of corruption.

Mr. FEINGOLD. What is it again? I did not hear the question.

Mr. BENNETT. The question is, When the Appropriations Committee appropriates money that has not been previously authorized, is that prima facie an appearance of corruption?

Mr. FEINGOLD. I do not think it is possible for anyone to determine for everyone else what an appearance of corruption is. It is our responsibility as a legislative body to look at the total record of what is going on in our campaign finance system and to determine whether the American people believe the various things we do have an appearance of corruption and whether there is a remedy for it.

I do not think it has anything to do with any particular part of the process. I think any part of the process can be perfectly clean at any point, but if there is an abuse at some point, a very large contribution at the wrong time, it is not about whether technically it is legal. It is about whether a large body of the American people would consider—for example, a $200,000 contribution given 2 days after the House marked up a bankruptcy bill by MBNA. OK, it is not illegal. Conceded. Maybe it is not even corrupt, but it certainly has an appearance of corruption to me and I think to many people. That would be a concrete example of where the appearance of corruption may occur.

Mr. BENNETT. I thank the Senator for that example because he named a name, the source, and he named an amount, the $200,000. He did not name the recipient. Was it to the Republican National Committee?

Mr. FEINGOLD. I believe it was the Republican Senate campaign committee——

Mr. BENNETT. National Republican Senatorial Committee?

Mr. FEINGOLD. Yes. On the 16 occasions I came to the floor and read out these contributions, I was careful to identify both sides. In my opening statement, I identified not only groups that would be more likely to support Republicans but Democrats, and in every instance I am referring to an appearance of corruption that the American people may see in looking at this. I am not making any allegation of illegality. But the issue here is the appearance of corruption under Buckley v. Valeo.

Mr. BENNETT. I thank the Senator for that because, as I say, he has responded with things I have requested with respect to the allegations that I was under the appearance of corruption which I have not yet received.

Mr. FEINGOLD. Will the Senator yield for a question?

Mr. BENNETT. The Senator has the floor.

Mr. FEINGOLD. Let me ask, in response, when you became aware of the allegation against yourself?

Mr. BENNETT. It was several days ago when my attention was called to it on the web site. I wrote to the Senator from Arizona and told him I was going to raise this on the floor because I did not want him to be blindsided by it. I wanted to be as courteous as possible. But in my letter to the Senator from Arizona, I told him I was disturbed, indeed offended, by this and intended to raise it. Therefore, I have kept my word to the Senator from Arizona.

My question still goes to the response that I have had which is that the appearance of corruption comes from appropriations that are unauthorized. I want my friend to address this directly because he has been the outspoken advocate of this appearance of corruption question.

Mr. FEINGOLD. As I said earlier, it is perfectly possible on an occasion that the kind of procedure the Senator has talked about could give rise to an

appearance of corruption. It is not something one can sort of determine by a series of court rulings. The question is, Do we as legislators find that our constituents see that sort of thing as appearing corrupt and, therefore, do we legislate a response to it? That is the standard for legislatures, not the standard for the court which is trying to convict someone of a crime.

Mr. BENNETT. But the standard I am trying to understand that has been raised in this debate today is that any time a Senator achieves an appropriations—as I say, I plead guilty. I make no attempt to hide this. I plead guilty as having been the Senator who approached the Appropriations Committee in request of this particular item.

It has been raised here that by virtue of the fact that I did that on an item for which there was not a previous appropriation, that in and of itself is an appearance of corruption, and I am asking the Senator if he agrees with that characterization.

Mr. FEINGOLD. I simply cannot say for the general public on that particular example how they would react. That is not my role. My job as a representative is to react to what people respond to when you point out various things that have been done. I do not know what the response would be to the particular incident.

Some people might, obviously, as you say, think you were successful in doing something for your constituents. I know from my own experience as a Senator that you have to be very careful about the appearance as you move forward with something, not for purposes of our debate but for purposes of how it might look to your constituents. So you look to your constituents and you look to your sense of what people are feeling about the system for an answer to your question.

In answer to your question, there is no automatic connection between every time a Senator does something for an interest and corruption—of course not—or the appearance of corruption. But the question is, How do the American people feel about the process?

What I am saying is, what this debate is about, because we got into the issue of soft money, is whether there is a level of contribution, whether the dollars get so high that the Supreme Court's language of it being inherently appearing corrupt comes into play. I suggest when you get into high numbers of contributions, you cannot avoid the appearance of corruption. You may avoid actual corruption, but you cannot avoid the appearance of corruption when we increasingly have the reality of people giving $500,000 apiece.

Mr. BENNETT. If I can ask the Senator an additional question—and I appreciate his comments; I think we are getting somewhere—will the Senator agree that the appearance of corruption would be much lower if there were no contribution identified at all, which is the case in the circumstance that I have raised? There has been no contribution identified from anyone connected with this in any form. Does the Senator not agree, therefore, that the appearance of corruption here would be pretty low?

Mr. FEINGOLD. Again, I do not know the specifics of the case the Senator is discussing. Obviously, given the issue we are raising about soft money, the strongest case is made if you demonstrate large soft money contributions. That is most likely to lead to an appearance of corruption.

Mr. MCCAIN. Will the Senator yield for another question?

Mr. FEINGOLD. Yes.

Mr. MCCAIN. Is the Senator aware this is a straw man because what I said, and I repeat for about the tenth time:

Special interests and unlimited contributions were a key ingredient—

And then I listed a whole bunch. I have listed for 10 years on my web site unauthorized appropriations to which I have taken great offense. I have argued that they are wrong. I will continue to argue they are wrong, and if the Senator from Utah wants to somehow interpret the fact that soft money is a key element or is not a key element in his particular appropriation, that is fine. I am telling the Senator from Utah that I listed a lot of projects. Some fall into the category of unauthorized appropriations.

I have said it now about five times, and I hope we can move forward. We only have 5 days of debate. I hope we can move forward with various amendments and allow other Members to make statements; otherwise, we rapidly approach the appearance of a filibuster which was not the agreement that Senator FEINGOLD and I entered into with the majority leader when we began. There are Senators who have been waiting to give statements. There are Senators who have been waiting to give speeches. And we have massaged this issue rather significantly.

Again, I ask the Senator from Wisconsin if he agrees with me, the way we usually function in the consideration of legislation is proponents of the legislation have an amendment and then opponents have an opportunity to propose an amendment. We had understood that would be the way we would proceed.

Is that the perception of the Senator from Wisconsin of this agreement, which was really a gentleman's agreement?

Mr. FEINGOLD. Mr. President, I certainly agree with the Senator's suggestion of how we are going to proceed. And to reiterate, when I started on the floor on May 20, 1999 and talked about various changes in the mining law that were prevented under the emergency supplemental appropriations conference report, as the Senate suggested, I was not talking about a particular contribution to any particular Member. It was a process with many factors. One of the factors was the $10.6 million the mining interests gave over a 6-year period. To me, that is of such a high level that it raises an appearance of corruption.

I think that is exactly what the Senator from Arizona is getting at, and exactly what he was trying to do in the case before us.

Mr. President, I yield the floor.

Mr. MCCONNELL. I believe we are ready to vote.

Mr. REID. Mr. President, if I could ask my friend from Kentucky a question as to how we are going to proceed. I think the discussion has been important, but it has taken several hours. I do not know when we started on this, but I think it was at 10:30 or a quarter of 11. It is now 1:30. I have a list of nine Senators on the Democratic side who wish to give statements on the general bill.

Mr. MCCONNELL. I say to my friend from Nevada, I wanted to start last night and no one wanted to stay past 7:30. Many of us believe this is a very important amendment. We have spent a couple of hours on it. But it is important. We are now ready to vote.

I agree with the suggestions that have been made that we go back and forth. As you know, this is not a straight party-line issue. So I think back and forth means people who are generally in sympathy with this legislation offer an amendment; people who are not do not offer an amendment. The people who are not just offered one, which we are about to approve on a voice vote. My view is, you are next.

Mr. REID. I say to my friend from Kentucky, we will be happy to give every consideration to alternating amendments. That seems to be a thoughtful suggestion. However, prior to our offering any amendments, we want to be able to speak on the underlying bill. That is the normal procedure.

Mr. MCCONNELL. That is fine.

Mr. REID. We have people who have requested time from 5 minutes to 30 minutes, reasonable requests for time.

Mr. MCCONNELL. Sure.

Mr. REID. We agree with the Senator from Kentucky, this is an important issue. But people have been waiting over here for a long time to discuss the issue.

So we are ready to vote on this matter at this time. It is going to be, I understand, by voice; is that true?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2293.

The amendment (No. 2293) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I am going to take a couple minutes, and then I will yield the floor. I know the Senator from New York has been waiting patiently.

The debate we just had has been an effort—toward the end of it—to shift it in a different direction. We are going to come back to this over and over again for the next 3 or 4 days.

We are not just talking about the appearance of corruption. What the Senator from Arizona has repeatedly said is things such as, ''corrupts our political ideals,'' ''we are all corrupted,'' ''the corruption of Congress,'' ''soft money is corrupting the process.''

These have been allegations of corruption, which is a violation of Senate rules and a violation of Federal bribery statutes.

I would suggest to all of our colleagues, in our exuberance to pursue our different points of view on this issue, do not suggest corruption unless you have evidence of corruption. It demeans the Senate, and in the instances of Senators BENNETT and GORTON, it demeans a specific Senator. It is clear from this debate, there is no evidence—none whatsoever—of corruption.

Mr. President, I yield the floor.

Mr. SCHUMER addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. I ask to address the Senate for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank the Chair and all of my colleagues.

Before I get into the substance of the bill, I think many of my colleagues on the other side of the aisle, in this last debate, are missing the forest for the trees. In fact, in my judgment, the Senators from Kentucky and Utah and Washington have helped make the case for the bill, not only in the specifics that I talked about with the Senator from Utah before, but everyone in this Chamber, all three, in my judgment, all three have felt compelled, in a certain sense, to explain themselves. All three are very honorable people. I tend to be sympathetic. If I were listed, I would feel the same way.

But there is a cloud hanging over the Senate. There is a cloud hanging over this Capitol Dome and all of Washington. In good part, it has been caused by the way we finance campaigns.

So even when Senators have the purest of motives, they are called into question. The good Senator from Utah felt his integrity was questioned. The Senator from Washington felt his integrity was questioned. The Senator from Kentucky was defending the honor of his colleagues.

Why was that necessary? It is necessary because with the system we use today, there is such mistrust that no action—no action—no matter how purely done, is perceived that way.

Obviously, there are many gradations. Pick Senator A and Senator B; Senator A is a lifelong believer in the pro-life movement and receives money from a pro-life PAC. Nobody questions that—or pro-choice.

But how about if Senator C believes strongly that a certain facility or company needs dollars to bring jobs to his area and receives contributions closely related to that? Everyone doubts it.

I would argue to you that those two cases, at least on a factual basis, are not distinguishable. But every—every—move we make in Washington is now under a cloud. It is under a cloud because of the system by which we finance campaigns. We must change it.

This is the most important vote we are facing in this whole year of Congress, period. I know we have had important ones. But the very roots, the foundations of this democracy, are being eaten away by public cynicism. In good part, that public cynicism is caused by our system of financing campaigns.

The great debates we have had this year—whether it be on impeachment or guns or Patients' Bill of Rights—over every one of them, the cloud of how we finance campaigns hung over it. The debate is vitiating by that cloud, and because of this system people feel further and further away from the Government that is theirs.

So those who argue for the status quo, saying nothing is wrong, or other issues that predominate, sort of befuddle me. I am surprised at the advocacy of the first amendment by some on the issue of financing campaigns, when that advocacy on other issues—freedom of artistic expression—does not seem to be there. I find that befuddling.

But, to me, there is no higher value that we can create than trust between the people and their Government. If that trust continues to decline, I don't know if this system of Government survives. So to argue whether the Senator from Utah or the Senator from Washington was maligned in a specific and wrong way, misses the point. To argue that every Senator is maligned fairly or unfairly by a system that the public perceives—and their perception is not out of cloud 9; their perception has many bases in reality—is making that Government further and further removed from their reach, that is what we are talking about.

This proposal is a minor proposal in the broad scheme of what we must do. It is, to me, a disappointment. I would have liked to have gone a lot further. I do not hold my colleagues from Arizona and Wisconsin responsible for that. They are trying to go as far as this body will let them go.

One thing I believe we cannot do—one thing we try to do too often—is let the perfect be the enemy of the good. The McCain-Feingold proposal will make some good, positive changes. Will it advantage one party or the other? I don't know. I don't think any of us can predict. Will it advantage one race, one person in a political race over another? Maybe yes; maybe no. We know one thing. We know it will begin that first step of rebuilding trust between the people and their Government. It will begin the first step so the kind of debate that occurred on the floor a few minutes ago won't be necessary, because the public will have the kind of faith they had in their elected officials in decades and centuries past.

We must move forward. Can we improve on the proposal before us? Yes. I am going to offer a proposal, most likely with the Senator from Nebraska, Mr. HAGEL, to say that when there are independent expenditures and when there are independent committees, the financing there must be disclosed. That will help a little bit more without vitiating the chances of passing this bill. I hope my colleagues will support that. We will be talking about it.

The bottom line is, we have a tremendously serious problem. We have a poison that is in the roots of this great tree of democracy. It is spreading day by day, week by week, and month by month. That poison is cynicism. That poison is a view of the average citizen, rightly or wrongly—and in many cases, it is right—that the average person doesn't have the influence of a person or a company or a group of great wealth. We have to begin to change it. In a complicated world, where decisions are not so clear and not so black and white, we cannot afford to have every decision, difficult as they are on the merits, be held in askance or even contempt by average citizenry because they don't think they have a fair shot at influencing their legislator.

I ran for office at the age of 23, right out of law school. It is because I believed in our system of government. There were tens of thousands of young men and women, Republicans and Democrats, who threw themselves into government because they believed. We had seen good things happen in terms of World War II, getting out of the Depression, the prosperity of the 1950s, the civil rights movement, and the protests, angry at times, that changed our course in Vietnam. People believed.

My guess is that there are far fewer 23-year-olds today who are making the sacrifices it takes to go into government because of the cynicism, because of the mistrust, because of the problems of financing their own campaigns. If we can no longer get our best young people going into government, whether it be elected or appointed, and if we can no longer have the citizens believe, when this body debates an issue, that the debates are being divided by firmly held beliefs rather than by who is manipulating, controlling, or contributing to whom, then we can't survive as a democracy. That fatal distance between people and their government will get larger and larger and larger. We will wake up one morning and say: We don't have the kind of democracy that the Jeffersons and the Madisons and the Washingtons and the Jays believed in and put together for us.

This is not a trivial debate. The bill is smaller than many of us would like. But it is a debate that goes to the core

of whether this Government will ultimately survive.

I urge my colleagues on both sides of the aisle not to look at the specific details of ''this provision is in'' and ''that provision is out,'' but to look at the broad, in general, anger, hostility, cynicism, skepticism, and impotence that the public believes they have in relation to their government; then ask what can be done about it.

My guess is, one of the few things we actually can do as Senators is pass the bill the Senators from Arizona and Wisconsin have put together. It is an important debate. I am glad we are getting to debate it on the floor. I hope and pray that at the end of the day we will not walk out of this Chamber emptyhanded and end up being worse off than we were before the debate started, as the public will believe this Government has finally pulled totally out of their reach and influence.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. My colleague, Senator DURBIN, is in order. I ask unanimous consent that he be allowed to speak now. I have the floor, but I don't want to jump ahead of him.

The PRESIDING OFFICER. There is no order.

Mr. WELLSTONE. I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. I thank the Chair.

This debate on campaign finance reform is certainly not a new topic for any Member of this Chamber. I start by saluting my colleague, Senator JOHN MCCAIN of Arizona. He has been my friend since we served together in the House of Representatives many years ago. We have differed from time to time, which is not unusual in politics, but I have the greatest respect and admiration for the leadership he has shown on this and so many important issues, such as tobacco and others, that are near and dear to my heart. I thank him. I know that sometimes it is a lonely task to be a leader on an issue. I respect him very much for what he has done.

My colleague, Senator RUSS FEINGOLD, deserves similar accolades, and more, for the leadership role he has taken on this issue. Senator FEINGOLD, in his race for reelection in the State of Wisconsin, demonstrated rare political courage when he said he would live by the standards he preached when it came to campaign finance reform. It is a real test for every one of us in public life to be held to that standard. I am glad the people of the State of Wisconsin not only respected his decision but said they wanted him to continue as their spokesman in the Senate. I am happy to count him as a colleague and a friend.

I find this debate to be absolutely critical when it comes to the future of our Nation. I don't think what is at stake in this debate is just a question of money and where it comes from. It is about much more. What is at stake in this debate is the future of this democracy. We expect politicians to be hyperbolic, to say things that sound so sweeping, they can't be true. But in my heart, I really believe what I have said is true. I am honestly, genuinely, and personally concerned, as a Member of the Senate, a former Member of the House of Representatives, and as a person who, for better or worse, has devoted his adult live to public service, about the fact that the people I represent and we represent are losing interest in their Government. The clearest indication of that loss of interest is in their declining participation in elections.

Why is it, at this moment in the history of the United States of America, in the closing days of 1999, as we anticipate a new century and a new millennium, as we see the end of the so-called American century, when we swell with pride when hearing our national anthem and seeing our flag and appreciating what this country is all about, when we watch as leaders from around the world in burgeoning democracies come here to the United States to validate their pursuit of democratic ideals—why is it now that the people of the United States of America have decided they are basically not going to be involved in the most critical single decision any citizen can make, which is the decision to vote for the man or woman of their choice for public office?

I have tried to analyze this, and I have to say it is interesting that this problem, in my mind, relates to this debate on the floor. This is a debate about political campaigns, money, and voters.

I have a bar graph I would like to display which shows in fairly graphic terms what I think this debate is all about. If you look at this, you will notice that, in 1960, in the Presidential election campaign, both candidates spent the relatively meager sum of $175 million. And then, if you will fast forward to the estimated expenditures of the 1996 campaign—a span of 36 years—it went from $175 million to $4 billion.

What happened in between to cause this dramatic increase in spending on campaigns? Certainly inflation was part of it, but this is more than inflation. What happened is that candidates—myself included, and virtually every Member of the Senate—decided that to win a vote or entice a voter, they had to spend money in record amounts—on television, on radio, direct mail, bumper stickers, pocket combs.

I carry a comb in my pocket given to me by a friend named Craig Lovett who ran for Congress and lost. About the only thing remembered of Craig's campaign is these wonderful combs, which I have carried around for over 20 years. He was a great fellow, and he has passed away. Sometimes that is all that is left of a campaign. We spend money on things such as that, as candidates, in trying to reach the voters, touch the voters, convince them we are worth voting for. If you look at them, you have to ask, as we plow more money into our political system of elections, is it working? The honest answer is that it is not.

There is another part of this graph that is worth noting, too. The statistics here indicate voter turnout in Presidential elections. Look at what is happening. When we spent $175 million in 1960, 63.1 percent of the eligible voters turned out. Then we started piling on big time all the money we could find and raise legally in the system. And what happened? There was a steady decline in voter interest and participation to 49.1 percent in 1996. We have lost 14 percent of the eligible electorate as we have plowed massive amounts of money into the system.

Some people on the other side of this debate have argued that the weakness in the American political system is not enough money. If we can just jam this blue bar up in the next campaign to $5 billion, $6 billion, and beyond, they will tell you, in their way of thinking, that is how democracy works. I have heard political spokesmen such as George Will talk about money being free speech, and if we had more free speech—that is, more money—then we would be living up to our constitutional ideal, and that is what we should be all about. But the facts don't bear that out. The more money we plow into it, the fewer people turn out to vote. I think that is significant because I think something is happening here that really is worth our observation.

Look at what happened on November 5, 1996—or perhaps what didn't happen. I think it represented the single most dangerous and tragic threat to our democracy, the outcome of that election campaign—not the candidates, but from the voters' point of view. One need not look beyond the voter turnout in the last Presidential election to recognize the degree of public disillusionment in America. It is perplexing that this very same election cycle that spawned skyrocketing revenues and outlays in campaign dollars generated only a 49.08-percent turnout at the polls.

The 1996 Presidential campaign had the lowest national average turnout for a Presidential election in 72 years. The money was there; the voters weren't. If one accounts for the flood of new voters in 1924 with the passage of women's suffrage, it may have been the lowest percentage turnout of eligible voters to vote for President since mass popular balloting was introduced in America in the 1830s, in the 160-year history of the United States. And by 1996, the voters of the United States said: None of the above; we don't care; a majority will stay home.

The average voter participation rate in Presidential elections between 1948 and 1968 was 60.4 percent. This dropped to a 53.2-percent average turnout from 1972 to 1992. Campaigns are too long,

too expensive, too negative, and a majority of self-respecting people have said: We don't want to sully our hands by even voting. And they vote with their feet; they stay home.

The decline in the exercise of the basic right of citizenship is a grave concern. More than 100 million Americans of voting age don't participate. I don't think this is an accident. Despite the fact that we tend to register more voters—an increase of some 8 million eligible voters, resulting in 4 million being registered—fewer Americans cast their ballots in the most recent election, the 1998 mid-term, than in 1994's similar election, plunging voter turnout to the lowest level in over 50 years.

I think the message here is clear. Americans have watched this electoral process, and an estimated 119 million of them have decided to avoid the ballot box like a root canal. That is the largest number in American history. If you look at the United States in terms of other countries around the world and all the things we point to with pride in this country, we cannot point to voter participation with pride.

According to data compiled by IDEA, the United States ranked 114 out of 140 countries the voter turnout of which has been assessed since 1945. Despite all the money, we don't see the participation we have come to expect.

The life of a Senator is a wonderful life in many respects. I am so honored to represent a great State such as Illinois and to be able to stand in this Chamber and use my best judgment on my votes to try to help them. But the path to the Senate, for someone who is not independently wealthy, is a path that takes you to many small offices, many desks, many telephones, and many telephone calls to perfect strangers, begging for money.

When I was a Member of the House of Representatives running for the Senate, I used to take off during the course of a day, drive about a block away to a little cubicle I had rented, where I could sit and legally make fundraising calls. I would take every available minute to do it. When I received my beeper notification, I would race back to the floor of the House of Representatives to cast a vote and then back to make more phone calls and raise more money. Of course, it is going to have an impact on your private life, and it had an impact on my public life, too. I can remember, to this minute, the day I left to race over and make a vote on the floor of the House. As I cast my vote, I looked up and thought of the list of potential contributors I was now about to call. But there were two or three of them I could not call. I just voted against them. You know, when that becomes part of the calculation, it takes something away from your judgment.

I don't point the finger of blame to any of my colleagues in this Chamber. I think they are, by and large, to my knowledge, some of the most honorable people I have come to know in life, and they are really conscientious in the job they do. But the system as it is currently constructed is a system that, frankly, is going to lead all of us to make conclusions and make decisions which may not be the right ones.

The argument on the other side against Senator MCCAIN and Senator FEINGOLD is the suggestion that more money into this system is going to make it better. This is not a new argument. We have seen it in several other iterations.

I can recall the debate over guns in America. The National Rifle Association is for a concealed carry law. What does it mean? It means all of us would be able to carry a gun around in our pockets or, for women, in their purses, taking them into shopping malls, restaurants, churches, and high school basketball games. It is their belief that this proliferation of guns in America will make us safer.

Yesterday, we had a vote on a nuclear test ban treaty. Many of us believe that we have all the nuclear weapons in the world we will ever need and that we should have passed that treaty to reduce the number of nuclear weapons in those countries that possess them. The treaty was defeated. Those who wanted fewer nuclear weapons lost. Those who believe we shouldn't have a limit on testing and, therefore, the development of nuclear weapons around the world prevailed. They believe, obviously, that more nuclear weapons around the world make us safer. I don't share that belief.

But a similar argument is at hand. There are those who argue that more money going into the political system will somehow result in better men and women being elected to Congress and to other offices. I don't believe that is the case.

In 1996, the Republicans raised $548 million; the Democrats raised $332 million. The Republicans outraised us 65 percent more than we did in 1996. In 1992, both parties had only raised $507 million. So you can see the numbers going up dramatically.

Part of the resistance to campaign finance reform reflects the reality that the incumbent Republican leadership in the House of Representatives and in the Senate does not want to put an end to a good thing. I can understand that. It makes sense to me as a political person that some might take that position, with notable exceptions such as Congressman SHAYS from Connecticut, the Republican who supports campaign finance reform, and others on the Republican side.

Centuries ago, Machiavelli wrote his famous book, ''The Prince,'' and outlined some ideas and principles of politics. I have always said that if he did not have a chapter in his book on the subject, he should, and it should be entitled ''If you have the power, for God's sake, don't give it away.'' The power now is in the money. And many on the Republican side of the aisle who are capable of raising more money than we do on the Democratic side of the aisle do not want to surrender that advantage.

It is similar to handing a weapon to your enemy, as they see it. That is an understandable conclusion by some. But thank goodness for Senator MCCAIN and others who have risen above it and said it is an empty victory to continue the status quo, the current system of campaign fundraising, if in fact we are losing credibility and losing the respect of the American people. What good does it do for us to be elected and supposedly lead this country when the American people do not give us the respect for the office or the job we do? It has a lot to do with the campaign finance system.

This bill in its particulars addresses many issues, and one of them primarily in the focus of this debate is on the question of soft money. In 1996, the Republican national party committees tallied soft money receipts of $141 million; in 1998, an off year, $131.6 million. That was the dramatic increase over the prior off-year election. The Democratic side raised $122 million in soft money in 1996 and, in 1998, $92.8 million. That was a 89-percent increase over the summer election cycle just a few years before.

Much time and energy has been spent in the aftermath of the 1996 Federal election cycle, launching accusations about questionable practices that occurred. I sat through Senator THOMPSON's hearings investigating the Presidential campaign for a year. There were certainly irregularities and embarrassments involved in that campaign. I am certain as I stand here that similar irregularities and embarrassments happen on both sides—Democrat and Republican.

You cannot deal with these massive sums of money from people whom you don't know as well as you might a member of your family and not run into embarrassing circumstances. I have. There have been times when I have received checks in my campaign and have taken a hard look at them and said, ''Send them back.'' It just raises too big a question as to whether my values and principles are being compromised. Think about a national party raising millions of dollars under similar circumstances and wondering if any single check is tainted or raises questions about your honesty.

What we learned from investigating the Presidential campaigns is that some of the most reprehensible and unseemly tactics are perfectly legal under the law today. Several loopholes in the law allow funds to be raised and spent in ways that do not violate the letter, although they might violate the spirit, of the law. Chief among them is soft money donations.

It is an arcane world for the average American to try to figure out the difference between hard money and soft money, caps on spending, and the like. I can tell you, there are certain things that can basically differentiate them.

Hard money is limited as to how much you can raise with each individual. You are limited as to the sources and individuals as well as PACs. You are limited in how much they can give, and everything is disclosed.

Hard money is a reform that really tried to clean up the system by saying, if we limit those who can give while staying away from corporations, for example, and we limit how much people can give, and then we have full disclosure, we will have a more honest system. I think the premise was sound.

Soft money violates basically all these rules. Soft money doesn't live by these limitations. The sources, the amounts, and the disclosures in many cases just aren't there.

That is what this debate is about. Senators MCCAIN and FEINGOLD have said put an end to this soft money and the problems it creates for our electoral system.

There are several items and issues that will come up, I am sure, later in the debate. I am going to hold back from going into some of them. One of them has to do with issue ads. I am looking forward to that because I think my greatest fear is that if we ban soft money, we will create vehicles for more and more independent so-called ''independent organizations'' to appear and become part of this process.

Let me close by saying this: I have supported the McCain-Feingold bill as originally written. It embodied a number of reforms that I think are essential to restore confidence in this electoral process. I have been disappointed by some sponsors. I understand their political realities. But I have been disappointed in the fact that we have over time lost some of the major reform provisions in the bill and we are now focusing on just one—the abolition of soft money. There are many other parts of that bill which deserve to be enacted into law if we are going to have real reform.

I will close on this note. I hope this Congress—particularly this Senate—can muster the political courage to vote for this reform. I hope that will happen. I am skeptical as to whether that will be the outcome.

We have seen demonstrated in American political history time and time again that it takes a major overwhelming scandal for this Congress to act to enact real reform. The Watergate scandal is one example, and others have shown up in our history. We are not dealing with such a scandal today in specifics, but we are dealing with a scandalous system, a system which really troubles me the most, that so many Americans have given up on us. We can't allow that to happen. We can't afford it.

For those who argue that we have to allow the very wealthiest in America to be articulate in our political process by writing checks for thousands—$10,000, $20,000, $50,000, or $100,000—I think on its face is laughable. To think we would give up on working people, average families, and businesses making modest amounts and disclosing contributions and instead turn this process over to the wealthiest in America is to give up on the very basis of this democracy. It will continue to push away from the average American that interest they should have in this most fundamental system of representative democracy.

I rise in support of McCain-Feingold.

I yield the floor.

Mr. WELLSTONE. Mr. President, I think we will alternate sides.

I ask my colleague from Tennessee, if we are going to rotate, could I ask unanimous consent I be allowed to follow the Senator from Tennessee?

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I rise in support of the McCain-Feingold legislation as amended. I do so based upon the premise that it is our responsibility in this body, it is our responsibility as a Congress, to address the issues concerning the election of Federal officials. I can think of nothing more appropriate to address than how we elect Federal officials and the way in which we elect them. It is not up to the Federal Election Commission to do this for Congress. It is not up to the Attorney General to do this for Congress, nor the lower courts. It is for Congress to state precisely what kind of system we want—or no system, if we don't want a system—to state that clearly and be willing to stand up and make a case.

This is a balancing process, one that has been endorsed by the Supreme Court of the United States. I think the purists on both sides of this issue probably have missed the boat. It clearly does cost more now to run campaigns than it used to cost. In my opinion, the $1,000 limitation, for example, is clearly too low. It needs to be adjusted for inflation. On the other hand, those who say there is not enough money in politics and that we should be able to donate unlimited amounts of money to parties for the benefit of those who are running for office I think miss the boat, also. Surely, we can strike some kind of a balance wherein we can address the legitimate costs of running for office and the fact that we are not going to be able to eliminate money from politics on the one hand with certain reasonable limitations that do not cause public cynicism and do not cause questions to be raised concerning the motivations of those who write the laws in this country.

Both history and common sense demonstrate beyond any purview of a doubt there is something inherently problematic with giving large amounts of money to people who write the laws, especially when donors of that money are affected by the laws that are being written. That is not a novel concept. That is something historians back in the 19th century were talking about. They were talking about the downfall of the Roman Empire, something that the Venetians addressed seven centuries ago when they placed strict limits on what could be given to elect the officials. Under their system, if one was going to ask elected officials for any favors, one couldn't contribute to them at all.

We have recognized that in this body. Senator Barry Goldwater, who is one of my heroes, has been called Mr. Republican; he has been called Mr. Conservative over the years. He is the conscience of the conservatives. It is one of the things that caused me to want to get into politics. I admired his courage. I also admired what was on his mind. He was always a man of integrity and always willing to look a little bit further than the end of his nose, look a little bit further than things that affected him.

He said in 1983 about big money:

> It eats at the heart of the democratic process. It feeds the growth of special interest groups created solely to channel money into political campaigns. It creates the impression that every candidate is bought and owned by the biggest givers, and it causes elected officials to devote more time to raising money than to their public duties. If the present trends continue, voter participation will drop off significantly—

I might ask parenthetically if that sounds familiar—

> public respect will fall to an all-time low—

I ask the same question—

> and political campaigns will be controlled by slick packaging artists, and neglect of public duties by absentee officials will undermine government praises.

That was Barry Goldwater in 1983. I am disappointed some of my colleagues on the Senate floor did not have an opportunity to question him and interrogate him and try to get him to name names as to those who are corrupt. That is what Barry Goldwater said in 1983.

It is not just statements made here that recognize this inherent problem to which there is no one answer—I might add, an inherent obvious problem—and has been with us over the centuries. It is based on human nature. In response to that, we do such things as pass a gift ban. If there is no problem with the giving of things to public officials and to candidates for office, why have we passed the gift ban rule? But we did. So we have the rather curious situation now where an individual cannot buy a Member dinner, but he can give a Member $1,000 for his campaign. Or he can bundle $100,000 for you. Or if he is rich enough, he can give $1 million to your party for your benefit, but he cannot buy you dinner.

We recognize this basic question in the laws that we pass. In 1907, we banned corporate contributions. In 1943, we banned union corporations. In 1974, we passed limits on amounts of money that could be given to individual candidates. We passed limits on amounts of money that could be given to political parties. We set up a system

of partially funding Presidential campaigns—the idea being if the taxpayers funded the Presidential campaigns, the Presidential candidates would not have to go out and raise private money.

Why were we concerned about that if it is the same old answer—the things we have been talking about for the last few minutes. We set up that system. I might say, since that was passed and has been in effect since 1976, until the last Presidential campaign, we have had no real problems in terms of scandals. The Presidential candidates each spent about the same amount of money; sometimes Republicans won, sometimes Democrats, sometimes incumbents, sometimes challengers. That is what we had until recently.

This balance that was struck—not impeding first amendment rights but recognizing this inherent question, this inherent historical century-old problem—the balance that was struck was upheld by the Supreme Court. The Supreme Court acknowledged we were placing limitations on individuals, perhaps involving the first amendment in some ways, but the Supreme Court said in striking a balance between that legitimate concern on the one hand and the concern over the corruption or appearance of corruption on the other hand was a decent one to strike and was permissible to strike. So we set up a system of limitations and disclosures.

This is not a personal matter. This does not have to do with individual Members. It is not about Members as individuals as we consider this in the Senate and the Congress. We haven't been here for very long when considering the course of history, and none will be here very much longer. What we are supposed to do is look past that and do what is necessary and beneficial for the country.

I have been distressed in watching this morning, that all of the concern supposedly has not been on the merits of campaign finance but attacks on the Senator from Arizona because he has raised these questions—the same ones that Barry Goldwater raised. Hopefully, we will be able to get back and debate the issues as to whether or not our current situation is a good one.

I was thumbing through some material. I haven't been able to catch up on my reading lately. I suggest we direct our attention to what people are saying—not the Senator from Arizona, not Common Cause, not the ACLU, not the advocates we all are on the issues.

Congressional Daily was put out by the National Journal on October 7. This journal is primarily a discussion of the legislative issues, what is happening and what is going to happen. In this article written by Bruce Stokes, I was struck by this passage that probably didn't raise any eyebrows because it is so common nowadays. This man wrote:

More importantly, the China WTO issue may loom large in some congressional primaries not because voters will care but because candidates on both sides of the issue will use it to raise money from business and labor, a milk cow Members of Congress may be reluctant to cut off by actually voting on the issue.

That is not something I would say. I do not know that to be true at all. But this is what people writing for the National Journal are saying. I suggest we ought to be concerned about that. We ought to be a little bit more concerned about the message and not so much concerned about the messenger. So maybe we can get back to the issue, as we proceed these next few days, as to whether or not we have a good situation in this country today.

I suggest it is not about the total amount of money in politics. People argue there is too much money in politics; there is not enough money in politics. How long is a piece of string? I am not here to say there is too much or too little money in politics per se. People point out Procter & Gamble spends more on advertising soap than we spend on politics. But I would say a couple of things about this.

No. 1, I draw a distinction between what we do and soap making. I hope it would be fairly obvious but perhaps not.

Second, the problem, again, is the age-old question: What do we do about the necessity for money in politics and political campaigns on the one hand and the inherent problem of giving large sums of money to individual politicians, to individual legislators, or to individual parties which will inure to the benefit of those legislators? Procter & Gamble has nothing to do with that. The advertisers who place those ads, the people who run those ads, do not conduct public policy in this country, but we do.

So why are we here today? Why does this keep coming back? Because, as I have said, we have not addressed this legislatively. The answer is, we are going to have to strike a new balance. We are going to have to readdress what we have done in this country on campaign finance and what we have learned over the last few years because having set up a system that, for better or for worse, whether you agree with it or not, struck that balance in terms of letting money in, letting people have enough money to run but not being overwhelmed by money so it looks as if your vote is based on something other than the merits—that has been totally done away with, basically. We do not have that system anymore.

You say: When did Congress change it? Congress did not. Congress really did not do anything to change that system. That system was changed by, basically, the Federal Election Commission and by interpretations of the Attorney General. Now soft money can, in large measure, do what hard money used to do. The gates have been opened. Presumably, after learning the lessons of the last Presidential campaign and the interpretations that the highest law enforcement officer in the country has placed on it, which presumably is the law which presumably is going to be the pattern candidates for both parties are going to be following, a candidate can now go out and raise millions of dollars of soft money, run it through the State parties, coordinate its expenditures, and run television ads, as long as he doesn't say, ''Vote for me.'' That is basically the system we have today.

The system we have now is not what we want. It is not what we ever voted for before. It is not the system we have had before. But because of FEC interpretations and the Attorney General, that is the system we have now.

As we often have to do in this body, we have to readdress fundamental issues. You seldom fix anything for the duration of eternity. Sometimes you can do pretty well for a couple of decades, as we did in 1974. People say it didn't work. I think it worked pretty well in most respects. Certainly, in the Presidential campaigns it has worked well. It has now been proven the hard money limits are too low. That is one of the things we have learned. What do we do? Throw the whole thing out or do we raise the hard money limits? I think we ought to raise the hard money limits in light of the reality we have learned since the last time we addressed this issue.

We have a system now where basically there are no practical limitations on any amount of money anybody wants to give to effect political campaigns. If that is what we want, an argument can be made that is a good thing. It has never been made as far as I know. It has never been voted on in this body. Do we want that? If we do not want that, we ought to say so. If we do, we ought to say so.

How did we get into a situation where, without this body lifting a finger, we went from a system where people were mightily concerned about the $5,000 PAC check, by the $1,000 individual check—from that system, that is the last time we addressed it, to a system whereby now you are not a player unless you are giving $100,000?

It started in 1978, the FEC rule that parties could send certain moneys to the State parties; the Federal party could send to the State parties for party-building activity. Then in 1991, they said they could fund certain voter drive costs with soft money, up to a percentage: It is 35 percent in a nonelection year, 40 percent in an election year. In 1995, for the first time the FEC said you can use soft money for television. Then, Mr. Morris over at the White House showed the President how he could take the matching money, certify that he wouldn't raise any money himself, go out and raise all of this additional $44 million in soft money, while being able to say, ''I am not raising this money for my campaign; I am raising it for the party.''

So the President raises all this additional money, the President sits in the Oval Office and coordinates all of it,

tells what kind of ads to put on, where to put them on, how much, and how much money to spend. That is the procedure that Attorney General Reno put her stamp of approval on. Until some court or somebody—or this body—says otherwise, that is the way it is.

Now a President or a Presidential candidate, and if so, a congressional candidate, can raise unlimited amounts of soft money, run it through the proper party, coordinate the ads, and have ads run as long as they qualify as issue ads.

I am not even arguing the merits of that now. I am saying that is what we have today, and I do not think a lot of people realize it. We did not realize it until recently. The problem we have is that we want to castigate the President for opening up the floodgates. But instead of leaving it at that, we want to do it, too, because the system we have now has been the one that has been developed by the FEC, Mr. Morris, the President, and the Attorney General. Those are the standards we are now operating under. Those are the standards which Members of this body are fighting to preserve.

Not only have we discovered it because a few years ago soft money did not play much of a role at all, and what was there went for party-building activities, not for what we see now—not only have we discovered it, or the President discovered it for us, we discovered it, we like it, it now has constitutional protection, and we would have political disaster if we did not have it anymore. We haven't had it very long, but now that we have it, it would be absolute political disaster if we had to do away with it.

Back in 1990, for a 2-year cycle, both parties raised $25 million in soft money. In 1996, under Mr. Morris and the President and their new plan—their Plan B, they called it—they raised $261 million. That is from $25 million at the beginning of the decade to $261 million. For the first 6 months of 1999, the parties have raised $55 million and the predictions are, by those who do this sort of thing and have been correct in the past, that by November of 2000 we will have raised $525 million of soft money, which is more than double 1996. The year 1996 was the high-water mark because that is when it was discovered; that is when it was perfected; that is when the doors were opened.

By November of next year, the predictions are we will double that. The question is, How long will this go on? How long should it go on?

I suggest that we are in need of a new balance. We need to drastically cut back or eliminate soft money, but we need to raise the hard money limits to comport with inflation.

It is true—and the promoters of reform need to understand this—that we are developing a system whereby only the rich or the professional politician can participate anymore because those limits are so low. They have not kept up with inflation. If $5,000 were indexed for inflation today, it would be, what, $32,000, or something of that nature. The costs are much more. It is becoming much more time consuming. We need to raise those hard dollar limits across the board, and then we would not need that soft money as much, for one thing, and a lot of that soft money, I think, would come into the hard money system.

That would be consistent with our long history of concern on this matter and our long history of legislating on this matter.

What are the arguments? I would have hoped by now we would have heard a little bit more about the merits and the arguments of this case instead of the personalities. But as I understand the arguments, No. 1, all this soft money—it is true that the floodgates have been opened. It is true that in every election cycle, we will be doubling the amount of money next time. We will be up there with good old Procter & Gamble before long.

The answer is, this just goes to parties; it does not go to candidates, so it cannot have a corrupting influence. I am wondering, if that is the case, why are we spending so much time raising it. I am wondering why President Clinton spent so much time raising it in the White House? Did he really enjoy having coffee with all that many people because the money was going to the Democratic National Committee? And yet he continued to raise it.

Do the national committees have no relationship at all to the members? I do not think we want to try to convince the American people of that. Roger Tamraz met with Don Fowler when he was chairman of the Democratic National Committee. Tamraz agreed to contribute $300,000 to the DNC. He had an oil pipeline he wanted to build in the Caspian Sea region.

To make a very long story short, he was able to set up a meeting with the Vice President. To the Vice President's credit, he canceled that meeting. He kept working. He got Mr. Fowler to call the National Security Council for him. He got Mr. Fowler to call the CIA for him. Tamraz attended six events with President Clinton in 9 months. Sullivan over at the Democratic National Committee prepared two memos summarizing Tamraz's hundreds of thousands of dollars in contributions to various Democratic institutions. Four days later, he attended a coffee with the President, talked about the pipeline with Mr. McCarty, and McCarty later enlisted Energy Department officials to lobby for the pipeline, officials who were aware of Mr. Tamraz's contributions to the DNC.

I do not think anyone would contend that Mr. Fowler, who was chairman of the DNC at that time, had no influence with regard to the members of his own party and the members of this administration. Some people say Mr. Tamraz did not get what he wanted. Is that cause for great comfort to find out in a situation such as this, a pitiful situation such as this, that this individual did not in this instance get what he wanted? Besides, I raise the question, if there had not been a courageous young woman by the name of Ms. Heslin at the National Security Council who was raising red flags about all of this, I do not know whether or not Mr. Tamraz's luck would have been different.

The same principles are involved with soft money contributions as they are with hard money contributions. This is not an easy thing to discuss. This is not something where anybody wants to be holier than thou. We all raise money. We all know we have to raise money. We all try to strike a balance in terms of amounts, in terms of appearances, but if we really are trying to strike a proper balance to come up with something that may not necessarily be the best in the world for us as an individual politician but really is something the country is going to have to move toward, if we really do our jobs, we are going to have to do that.

Let's not kid ourselves: We are not casting aspersions on any individual. It is not enough for us to stand up and say: OK, who here is a crook? I see no hands; therefore, there is no problem. Let's go home.

We are talking about something that is supposed to pertain for all time and something that, hopefully, will deal with appearances as well as reality, appearances that the Supreme Court recognizes as a valid concern and has been recognized as a valid concern throughout history.

Mr. MCCAIN. Will the Senator yield to me for one question?

Mr. THOMPSON. Yes.

Mr. MCCAIN. Mr. President, in response to the Senator from Utah, the argument I made both on my web site and today is that I believe that part of the problem—indeed, a key ingredient of wasteful spending and special interest tax breaks—is the effect of soft money on the legislative process. Not that every bit of pork that Members secure is caused by soft money, but in the aggregate, wasteful spending is caused by, among other things, soft money.

Let me offer my colleagues a definition of ''corruption'' from Webster's dictionary. Corruption: The impairment of integrity, virtue, or moral principle.

Note, this definition does not say that corruption occurs only when laws are broken. I have already cited, as has the Senator from Wisconsin, the large amount of soft money given to both parties by various industries and the aggregate amount of tax breaks those industries receive. I believe, even if some of my colleagues do not, that these amounts have impaired our integrity. I believe that as strongly as I believe anything. Unlimited amounts of money given to political campaigns have impaired our integrity as political parties and as a legislative institution.

As the Senator from Wisconsin has noted, we are not accusing Members of

violating Federal bribery statutes. No, we are here because there no longer is a law controlling the vast amounts of money that I believe are impairing our integrity. In the immortal words of the Vice President: ''There is no controlling legal authority.''

I watched very closely as the 1996 telecommunications deregulation bill became everything but deregulatory and led to far less competition than it was intended to engender and the consequent increase in cable rates, telephone rates, et cetera. I believe soft money played some role in that; again, not in a way that fits within a legal definition of ''bribery,'' but in a way the vast majority of Americans believe is an impairment of our integrity, and I include myself in that indictment.

That is the problem I am trying to address in this legislation and no attack, no amount of head-in-the-sand pretense that soft money does not affect legislation will cause me to desist in my efforts.

I will close with one observation. If special interests did not believe their millions of dollars in donations buy them special consideration in the legislative process, then those special interests that have a fiduciary responsibility to their stockholders would not give us that money, would they?

Those interests enjoy greater influence here than the working men and women who cannot buy our attention but are sometimes affected adversely by the laws we pass.

To me that seems to be a good working definition of the impairment of our integrity which, as I noted, is Webster's definition of ''corruption.''

My question to the Senator from Tennessee is, indeed, is there anything that would be a violation of law that we do in any way in our pursuit of money today?

Mr. THOMPSON. Is there any way you can violate the law under our current system today? Yes, I can think of ways. A clear quid pro quo would be a violation of the law. But you have to prove a quid pro quo, which is a very high standard. That is under the bribery statutes.

But under the campaign part of it, as long as you disclosed it, raising unlimited amounts, I see no effective limitation.

There is even a controversy as to whether or not foreign soft money contributions are now legal. A lower court held they were legal. I had a discussion with Attorney General Reno in one of our hearings, when she was trying to excuse what was going on over in the White House and the fact that the President was sitting over there coordinating millions of dollars of soft money for his personal ads to benefit his campaign, and she said: Well, soft money is not regulated.

I said: Soft money is not regulated. What about soft money that came from China or Indonesia or somewhere?

She said: Well, that would be illegal.

I said: Logically, it wouldn't be. If soft money is soft money, it doesn't say anything about a source.

Sure enough, a Federal judge agreed with my analysis. Now the court of appeals has overturned that lower court. So goodness knows where we are. But the whole question of foreign soft money is at issue now.

Mr. MCCONNELL. Would the Senator yield for a question?

Mr. THOMPSON. Certainly.

Mr. MCCONNELL. I listened carefully to the statement of my friend from Arizona. I am still trying to understand it. I know the Senator from Tennessee has the floor, so I don't know if I should pose this question to him or the Senator from Arizona.

Mr. THOMPSON. I will take it and pose it to him.

Mr. MCCONNELL. OK. Is the Senator from Arizona saying, then, it is possible to have corruption and that no one is corrupt? You can have corruption and yet there isn't anybody actually responsible for it?

Mr. MCCAIN. May I answer?

Mr. THOMPSON. Yes.

Mr. MCCAIN. I say to my friend from Kentucky, either the Senator from Kentucky did not listen to what I said or doesn't care about what I said.

Mr. MCCONNELL. Would you say it again?

Mr. MCCAIN. I repeat again, the definition of ''corruption'' from Webster's dictionary: The impairment of integrity, virtue, or moral principle.

I repeat again, we have impaired our integrity when we convey to the American people the impression that soft money distorts the legislative process, such as it did, in my view, in the 1996 Telecommunications Deregulation Act, with the protection of special interests, which caused increases in cable rates, phone rates, and led to mergers rather than competition in the industry.

So this system has impaired our integrity. That does not mean bribery laws were broken necessarily. They may have been. I don't know. But I do know that our integrity has been impaired. And whether that is the view of the Senator from Kentucky or the view of the Senator from Utah or my view, it is the view of the American people. That is substantiated by polling data and personal experience.

Mr. MCCONNELL. So let me get this right. All of our integrity is now impaired—all of us.

Mr. MCCAIN. I will repeat again. I believe that a system of unlimited soft money in the American political process has impaired our integrity because we are now held in such low esteem by Americans because they believe we no longer respond to their hopes and dreams and aspirations.

Mr. THOMPSON. Let me reclaim the floor, if I can. I won't be very much longer.

But listening to the discussion, it looks as if we need to take a step back and look at it as others have from the outside.

What makes me angry is reading things such as the article in the National Journal. To me—this is my view; you know what I think about the system—I think things such as this article in the National Journal and others portray a situation that is worse than it is. But it is portrayed that way because so many people believe that.

Our problem is this—this is no aspersion on anyone, but I am not going to shrink from it because you ask me to name names—our problem is this: When big bills come up and major industries are affected—whether it be telecommunications, whether it be banking, whether it be health care, or anything else—and the tremendous hard money contributions start coming into our respective parties, Democrat and Republican, I think people take a look at that and think there is a connection.

Do they think that we are necessarily being bribed? I would hope not. Because I know that not to be the case. But it is, at a minimum, an appearance problem that has been with us historically. We have always recognized there is this tradeoff we are having to deal with. What we are trying to do is strike a proper balance.

Mr. MCCONNELL. Would the Senator yield for a further question?

Mr. THOMPSON. I will. But I would also like—now or later—to pose this: I was looking through this list, and in the first 6 months of this year, 37 companies, corporations, gave $50,000 or more to both parties—both parties. I would ask the Senator why he thinks they did that.

Mr. MCCONNELL. I am grateful they did because it gave us an opportunity to compete with the newspapers and the special interest groups that have a constitutional right to participate in the political process. I am extraordinarily grateful that all of these disclosed contributions—and this is why my friend from Tennessee knows who contributed—extraordinarily grateful that these companies are giving us the opportunity to engage in vote buying, engage in getting out the vote, engage in issue advocacy, and the other things that benefit our parties.

I am extremely grateful they do that. And anybody who wants to make an issue out of it, it is fully disclosed, which is why my friend from Tennessee has the list.

Mr. THOMPSON. Most of these things we are talking about are disclosed, and that does allow us to have the debate.

But to follow up on that for a moment, conceding, for a moment, we are using the money for noble purposes.

Mr. MCCONNELL. I assure you we are. Winning elections is a noble purpose for a political party.

Mr. THOMPSON. We are talking about motivations. The Senator brought this up. It caused me to think about this. Again, I ask you, why do you think these corporations and unions contributed that much money to both parties?

Mr. MCCONNELL. I don't know of any labor unions contributing to my

party. But I assume the reason they are contributing is they believe in the principles that you stand for, which they have a constitutional right to do.

Mr. THOMPSON. Principles of both parties simultaneously?

Mr. MCCONNELL. I think you have the right to be duplicitous in this country if you want to. I think it is not uncommon for people to contribute to both sides.

May I ask the Senator a question?

The Senator from Arizona was talking—again, I am trying to understand what he said and you said, I say to Senator THOMPSON—that the appearance is the problem and not the reality. I guess the argument then is, based on appearance, we should enact legislation. Appearance we can only ascertain by looking at polls, so let me——

Mr. THOMPSON. Partially the basis of Buckley v. Valeo, you would agree.

Mr. MCCONNELL. Let me give you poll data of how people feel about newspapers and see if the Senator thinks we ought to legislate based on the appearance there to restrict the activities of newspapers.

A poll taken in September of 1997 indicated that 86 percent of the American people believe newspapers should be required to provide equal coverage of congressional candidates; 80 percent want restrictions placed on the way newspapers cover political campaigns; 68 percent believe newspaper editorials are more influential than a $1,000 contribution; 70 percent believe reporter bias influences the coverage of politics; 61 percent believe the candidate preferred by a reporter will beat the candidate with more money; and 42 percent believe newspaper editorial boards should be required to have both Republicans and Democrats.

This is the public's perception of the newspapers, which operate under the first amendment, just as American citizens and parties do.

If the argument is that we should pass legislation restricting first amendment rights based upon perception, I am wondering if the Senators also believe we ought to eliminate the newspaper exemption from the Federal Election Campaign Act and react to the public perception that newspapers need a bit of this Government regulation of speech as well?

Mr. MCCAIN. Could I just——

Mr. THOMPSON. If I may, in the first place, the perception of potential corruption is one of the bases for Buckley v. Valeo. The Supreme Court took a look at that and they said that is a valid reason for legislating in this area. And because of that, because of that decision, what we are talking about today is not a restriction on anybody's first amendment rights.

I think in times past Senators had a decent point with some provisions. What we are talking about today does not impinge on the first amendment because it in some way restricts somebody to spend some money somewhere. Because they are limited in donations does not impinge on the first amendment. Buckley v. Valeo holds that also.

In answer to my friend, I am aware of erroneous public perceptions as well. They don't trust used car dealers much. My father was one for 50 years in the same little town. I know about all that. But I answer that when newspapers start voting, when they are sent up here and trust and confidence is placed in them to come up here and vote for the American people on these issues, then they subject themselves to the same limitations the Supreme Court says can be placed on us.

Mr. MCCAIN. Is the Senator aware that, at least in the words of the Senator from Utah, it isn't just the appearance of corruption. The Senator from Utah pointed out three cases—I can recall two: Mr. Tamraz and the Indians. Mr. Tamraz said: Next time I am going to pay $600,000—where, at least if I understood the comments of the Senator from Utah, there were actual acts of corruption.

Mr. MCCONNELL. Isn't that against the law now?

Mr. MCCAIN. As far as I know, it is not against the law.

Mr. THOMPSON. There are lots of things we used to think were against the law.

Mr. MCCONNELL. It should be against the law.

Mr. MCCAIN. It should be against the law. The point is, apparently it is not because Mr. Tamraz was not prosecuted, at least under this Justice Department.

Mr. MCCONNELL. That might say something about the prosecutor.

Mr. MCCAIN. It is not just the fact that there is the appearance of corruption. I think most Americans believe that there was actual corruption in that case and the Indian case. What we are fighting against here in the soft money is not only against allegations but also reality. Those examples the Senator from Utah pointed out are how terrible the situation can become. When a poor, impoverished Indian tribe is asked to give money in order to have their voice heard in Washington, I hope that would compel the Senator from Kentucky to rethink his position concerning soft money.

Mr. MCCONNELL. That should be illegal, should it not? That is against the law now, isn't it?

Mr. THOMPSON. The real question is, if you prove a quid pro quo, which reminds me of some of the old corruption laws we have had on the books for many years, under which there has never been a prosecution, you have to prove the high standard of a quid pro quo, which is very difficult. I think we can all agree that it is improper, whether or not it is illegal.

I think it raises a further question, the basic question, which is kind of the converse of the well-stated point I think the Senator from Kentucky made. The converse of that is, do appearances matter at all? Suppose we know we are trying to do the right thing, but we are seeing this tremendous influx of money at times from industries with which we are dealing on legislation. Should we be concerned about that? Perhaps we should go out and explain to the American people how that is unrelated, how the patriotic spirit of these companies and unions just happened to peak at certain times coincidentally. I am not saying that appearances should rule, but I do ask the question whether or not they should matter.

I yield for the purpose of an answer to the Senator from Utah.

Mr. BENNETT. I ask unanimous consent that I may make a comment without the Senator losing his right to the floor.

Mr. WELLSTONE. Mr. President, reserving the right to object, I don't think I will, but I have been here since early this morning. It depends upon how long my colleague from Utah wants to respond.

Mr. BENNETT. I shall respond within 2 minutes or less.

Mr. WELLSTONE. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. My only response to my chairman, when I served as a member of his committee, we talked about Roger Tamraz, the Riadys, and the Indian tribes not being illegal. It has the appearance of impropriety. I think it is only not illegal in the opinion of the current Attorney General. I think there are others for whom it clearly would be considered illegal and that indictments might be brought. The current Attorney General has decided in her wisdom that it is not illegal.

I want to be clearly on record as disagreeing with her on that and believing that indictments should have been brought and that this is, in fact, a violation of existing law. Being unburdened with a legal education, I think perhaps I can make that kind of comment without having to back it up. Nonetheless, it is my opinion with respect to her opinion on these particular cases.

Mr. THOMPSON. I couldn't agree more with my colleague from Utah on that point. It points out another difficulty for those who would try to sit down and apply some kind of commonsense analysis to this and think about what it ought to be, maybe 10 years after we have left this body, something we can be proud of. We sat there, the Senator from Utah and I, for almost a year and saw the most egregious violations of propriety, ethics, what ought to be illegal—some clearly was illegal. And many of our colleagues who are now calling the loudest for reform were definitely silent on those occasions. It really grieves me. I think it is extremely unfortunate that so many of us have lost our ability to take the high ground on this issue because of that.

Now we see a succession of semiprosecutions where nobody gets any jail time. Everybody gets a slap on

the wrist. Nobody is forced to testify against anybody else. The Attorney General gives her stamp of approval on something that nobody in their wildest imaginations thought would have been legal a few years ago. That is kind of a sidebar.

What I am trying to do is not let my anger over that and having watched that and gotten damn little cooperation during it cause me not to be able to try to figure out what would be best for us as a system as we go forward.

Briefly—I have taken too long—on the constitutional issue, I do not believe the constitutional concerns that have been expressed heretofore are with us now. We do limit hard money. Under prior law, 1974, we limited hard money to both individuals and to parties in this country. We actually prohibit unions and corporations from contributing in this country. That has been upheld as constitutional. It would not make any sense to me to say that we can limit a $1,000 contribution in hard money but we cannot limit or do anything with a million-dollar contribution in soft money when it is going for the same purpose. I think the constitutional points that were made previously no longer apply.

In summary, allusion has been made to perception. My concern on that is not what a public opinion poll one day or the next might say but a consistent trend of objective analysis—the Pew Research people are some that come to mind—that shows that in this time of prosperity, this time of peace, we have increasingly cynical views toward our elected officials in this country and toward our institutions. This is especially true with regard to the young people.

This is a generation of young people who did not experience Watergate, who did not experience Vietnam, who did not experience the assassinations we all went through as a nation. What reason do they have to be cynical? They are more prosperous than young people have ever been before. Yet the numbers indicate they are more cynical about us and what we are doing than ever before. That is what concerns me, not these petty personality disputes we have around here.

In 1968, 8 percent of the American people contributed to elections of any kind—Federal, State, national, local. By 1992, it had dropped to 4 percent. I don't know what it is today. But talking about contributions, that is 4 percent of the American people. So as the soft money doubles, the amount of people contributing is halved; voter turnout declines.

Thomas Paine, the famed agitator for the American Revolution and author of Common Sense, said this: A long habit of not thinking a thing wrong gives it a superficial appearance of being right and raises at first a formidable cry in defense of custom.

Let's not lock ourselves into the defense of this custom. Let us look beyond ourselves for a moment and ask ourselves: Is what we are doing going to make for a stronger country? Will it engender respect for our institutions and for this body? Will it give the average citizen more or less confidence in the integrity of his or her government? I think we know the answers to those questions.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Before the Senator from Tennessee leaves, I want to say I don't think he was on the floor too long, and I think his comments were very important. I appreciate what he had to say.

Mr. President, I ask unanimous consent, as we go back and forth, that on the Democratic side Senator BOXER be allowed to speak when it comes back to our side, followed by Senator CLELAND.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I have some prepared remarks. I don't know how much I will pay attention to it because I have been listening to the debate about corruption. Let me try a different definition, which my colleague from Kentucky, who is very skillful, may want to challenge. But this is at least the way I look at this question.

The kind of corruption I think we are talking about is actually much more serious than the wrongdoing of an individual office holder. That is not what I will focus on. I gather that is what some of my colleagues have focused on and questioned. I say it is much more serious. I say it is a systemic corruption, and it is a systemic corruption when there is a huge imbalance between too few people with so much wealth, so much power, so much access, and so much say, and the vast majority of people in the country who don't make the big contributions, aren't the heavy hitters, aren't the investors, and who believe that if you don't pay, you don't play: I think that is the corruption.

I think the corruption is that the standard of a representative democracy that says each person should count as one, and no more than one, is violated. If any Senator—Democrat or Republican—should go into any cafe in Minnesota, or around the country, and try to make the argument that, as a matter of fact, because of this system we have—which I think is really a failure when it comes to any standard of representative democracy—if we were to try to argue, no, it is not true that people who are the investors and make these big contributions don't have too much access and too much say, I think 99 percent of the people in the country would say you are not credible. Of course, that is what is going on. Of course, people make contributions for a variety of different reasons, one of which is to have access and a say.

I say to my colleague from Utah, I think it is a bipartisan problem. We don't need to talk about individual cases. And I understand the comments he has tried to make. I see it on both sides of the aisle. Look, both parties will talk about special gatherings we will have with the business community here, or the high-tech community there, or the labor community there. We will have gatherings where big contributors come. That is what is done. We have big dinners, and we are told to come to the dinners. What is the purpose of those dinners? These dinners are with the big contributors. We are told to come, to be there. It seems as though, if you don't come, you have no interest.

Both parties give these lectures at caucuses to all of us. And we go. The reason we go is, we believe, given the system we have, people have to raise money, and if you don't come and you are not up for reelection, you believe, when you are up—you hope, given this rotten system we have—there is enough money raised for you, so now you go to help other people.

But the truth of the matter is that the vast majority of people in the country don't come to these dinners. The vast majority of people aren't invited to special gatherings and special sessions. The people who are invited by both parties are the big contributors. They are the investors.

Come on. You are not going to try to argue on the floor of the Senate that we don't have a problem with systemic corruption, where we have just too few people who make these big contributions, who, as a result, perhaps have too much access and too much say.

Let me go out on a limb. It is not just a question of perception. The vast majority of people in our country today believe their concerns about themselves and their families and their communities are of little concern in the corridors of power or the Halls of the Congress in Washington, DC. Do you know what. We have given them entirely too much justification for having that point of view. They are not necessarily wrong.

I am not going to have somebody, all of a sudden, ask me to yield for a question and take my head off because it looks as if I am making an individual accusation. I am not going to do that. But I will tell you something right now. I am fully prepared, as a Senator from Minnesota and a political scientist, to tell you I see certain people, who also happen to be the big contributors, who have way too much access here. I don't know whom we think we are kidding.

When we debated the telecommunications bill, the anteroom outside the Chamber was packed with people. I could not find truth, beauty, and justice anywhere. Everybody was representing billions of dollars here and billions of dollars there. And when we had a debate about the welfare bill—whatever you think about the welfare bill—where were the poor mothers and children? Where was their powerful lobby? They were nowhere to be found.

When we decide where we are going to make deficit reduction and make the cuts, and when we do tax policy, and when we do a lot of other policy, it just so happens that certain folks and certain interests seem to be much better represented than others. I think that is true. I think we can make it better. I think we can do a lot better job of reaching the standard that each person should count as one and no more than one.

Certainly, we have corruption, but it is not the wrongdoing of any individual office holder that I know of; it is systemic. When you have this frightening imbalance of power between the elites, the few who make the big contributions and are so well connected, and the majority of the people who basically feel locked out—and they have every reason to feel locked out—that is the problem.

I smile at the proposal, which may be one of the amendments to this bill, to raise the contribution limits. I think it is about two-tenths of 1 percent of the top population, or less, who can afford to make a contribution of $1,000 or more. I am not supposed to look up in the galleries, and I certainly do not invite comment from people in the galleries—that would go against the rules—but I bet most of the people in the galleries observing our debate would probably think to themselves: We don't make $1,000 contributions.

The fact is, two-tenths of 1 percent are able to make those kinds of contributions. Some people want to now raise it to $3,000. If you want to further skew the imbalance of power, where some people are counted on even more to make the big contributions and most regular people feel left out, then pass that kind of amendment. We will look like fools to people in the country. They will say: My God, the Senate took up reform and today passed an amendment that raised the individual contribution from $1,000 to $3,000—actually from $2,000 to $6,000 through the primary and general election. Most people will scratch their heads and ask: This is the Senate's definition of reform? I don't know, but I think people are being foolish if they don't think that campaign finance reform is an idea—with apologies to Victor Hugo—whose time has long passed.

We have seven Republicans supporting this piece of legislation, the McCain-Feingold legislation. It will take only eight Republicans more to assure that we can pass a bill and to stop this effort to block all reform. I hope there will at least be eight Republicans, if not more, who will find the courage to basically vote for reform, who will find the courage to no longer be a part of this effort to block reform, to expand democracy.

I want to say to my colleagues, Senator MCCAIN and Senator FEINGOLD, in the spirit of friendship and honesty, this bill, in its present form, is a mere shadow of its former self. I don't think it lights up people around the country. I don't think it is going to bring people to the reform barricade. I don't think it is going to galvanize people or cause people to rise up and really put the pressure on Senators. I wish it were more comprehensive. That is what I am saying. I wish it were much more comprehensive.

I think we would be much better off talking about clean money and clean elections and getting as much of this interested big money out of politics and bringing as many people back into politics as possible. I think issue advocacy ads are phony.

While I have the floor of the Senate to talk about my experience, especially in 1996, I worry about the ways in which money will shift from one source to the other. I think we can do better, although I will tell you that if we could ban the soft money, the unregulated money, the under-the-table money, the money where there is essentially no accountability in this system, we would still be taking an important step forward.

I want to express my fear, and then I want to express my hope.

Fear: What could happen is that none of the amendments to strengthen this bill will pass. But there will be a number of amendments to what is a very water-downed version, a very almost timid piece of legislation, but it represents a step forward. I would be proud to support it. But you will get some additional amendments raising the amount of money people can contribute. Gosh knows what else. Then we in the Senate will announce that we did campaign reform for the new millennium, and let's go forward with our special interest parties.

I am going to worry that we may end up getting a bill that will have some fine sounding acronyms, such as ''PEOPLE,'' or something like that, which actually won't represent hardly any step forward at all.

On the other hand, we have this bill right now, and if we can just deal with the soft money ban, we would be making a real step forward.

I want to speak a little bit to this whole question of freedom because it has come up a lot and is raised by a number of colleagues. I want to simply draw from an important book by Eric Foner called, ''The Story of American Freedom.'' He talks about what freedom has meant to people in our country over the years. Freedom is way beyond the kind of definition that we have been given of it. Freedom means the ability to participate. Freedom means to have a place at the table. The definition of freedom of speech is larger than the absence of a regulation that would say we are going to try to put up some kind of framework that doesn't undercut representative democracy.

If you think about it, union organizers in the 1930s and working people were talking about freedom to be more involved in the economic decisions that affected their lives. That was the kind of freedom on which they were focused.

Then we had a fight for political freedom which began with our own American Revolution. Also, an important part of our history was the emancipation of slaves during the Civil War, then the passage of the 13th, 14th, and 15th amendments—again, a broad definition of freedom; in the 1950s and 1960s, freedom which had to do with desegregating our schools and the Civil Rights Act of 1964 and 1965. Each time the kind of freedom we were talking about was the freedom to participate in the political life of our country, or the economic life of our country, or the community life of our country.

Let me share with you the words of Dr. Gwendolyn Patton at a recent conference at Howard University sponsored by the National Voting Rights Institute. She said:

> We thought we had scored a people's victory when we ushered in the 1965 Voting Rights Act. Our movement of great numbers of ''street heat'' feet wrought a structural change that fundamentally expanded democracy. But we know now that it wasn't enough. Ridding the system of private, special interest money is the unfinished business of the voting rights movement. This movement, like that one, is a revolutionary movement—it is not just a tactical question. It is an ideological struggle, not only for black folks, but for all Americans. We are engaged, to borrow Lincoln's words, in ''a great civil war.''

She goes on to say, that while much was achieved through voter registration of African Americans, Latinos, and others.

> As a result of these victories we entered the political arena by the millions—but as passive voters. Soon we began to realize that we had to become active participants by running for office if we were going to enact laws and implements policies that would make a change for the better in our lifetime. That's when we discovered another barrier, and while it's not as directly life threatening, it's certainly as formidable as any we have faced before. That's the barrier of money.

Dr. Gwendolyn Patton is talking about basically what we have right now, which is a wealth primary. What we are really saying is the very question of who gets to run, the very question of who is likely to get elected, the very question of what issues quite often get considered, the very question of what legislation we are able to pass, the very question of who has access to the political process and who doesn't, is all too often determined by money. The vote is undermined by the dollar. Our elections have become auctions.

Some of my colleagues want to talk about raising the contribution limits. Let me just give you some figures.

This is a picture of those who contribute the vast majority of money to candidates under the current contribution limits. Believe me, this is a picture that is not a broad slice of America. It is overwhelmingly white, it is overwhelmingly male, and it is overwhelmingly wealthy. These are people who have contributed over $200, and some colleagues want to go from $1,000 to $3,000.

Mr. MCCAIN. Mr. President, will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. MCCAIN. The Senator from Minnesota, in his opening statement, used the word ''systemic corruption'' associated with the present campaign finance system. Since I have been challenged on comments such as that, would the Senator mind defining what he is saying there?

Mr. WELLSTONE. I say to my colleague from Arizona, I thank him for his question. I would be pleased to be challenged by anybody on the floor on this comment. I made a comment that I think is quite similar to what the Senator from Arizona has been trying to say, that we have a systemic corruption that is, unfortunately, far more serious than the wrongdoing of individual office holders—far more serious. It is a corruption when you have a huge imbalance of power between too few people who have so much wealth and money, who make these large contributions, and who have so much more access and influence, versus the majority of people who have concluded that either you pay, and therefore you can play; but if you do not pay, you don't play. They feel locked out. They feel left out. They are disillusioned. They do not believe the political process belongs to them.

That is a fundamental corruption of representative democracy. And I say to my colleague it violates the most important principle—that in a representative democracy each person should count as one and no more than one. That is being undermined.

Mr. MCCAIN. Will the Senator respond to an additional question?

Mr. WELLSTONE. I would be pleased to.

Mr. MCCAIN. I thank the Senator for his eloquent answer.

Secondly, would the Senator be willing to name names as to examples of that corruption?

Mr. WELLSTONE. Mr. President, I would not want to name names, and I don't need to name names because the kind of corruption that I am talking about goes way beyond any one officeholder. It is systemic; it is endemic; it is structural; and it is very serious. The fact is big money has hijacked representative democracy. It undercuts representative democracy, and it violates the very principle that each person should count as one and no more than one.

Therefore, I would be proud to be included in the ranks of my colleague from Arizona as a Senator who is not naming names.

Let me go forward and just present some figures.

A study conducted of donors in the 1996 election found the following characteristics of such donors.

Ninety-five percent—these are people who contributed over $200—were white; 80 percent were male; 50 percent were over 60 years of age; 81 percent had annual incomes of over $100,000.

The population at large in the United States had the following characteristics:

Seventeen percent were nonwhite; 51 percent were women; 12.8 percent were over 60; and 4.8 percent had incomes over $100,000.

Eighty percent of the people who make contributions of over $200 have incomes over $100,000. And that represents exactly 4.8 percent of the population. If the hard money contributions are increased, as some of my colleagues have suggested, then the picture is going to become even more skewed.

If money equals speech, as some have suggested, we can clearly see who is doing all the talking. If money equals speech, then we can clearly see who is doing all the talking. At least those folks are being listened to. The hopes and the dreams and the concerns of the vast majority of the American people are going unheard because the bullhorn of the $1,000 contribution drowns them out.

For those who want to raise the limits, why make the bullhorn bigger and louder? Why give greater access and more control to those people who already have too much access and too much control?

Again I issue this challenge in anticipation of what might happen. If what we do on the floor of the Senate in a couple of days is raise the contribution level from $1,000 to $3,000—even given the sometimes too low opinion they have of the Senate—people in the country will become even more disillusioned; they won't believe it. I certainly hope we don't do that.

I want to talk about the distrust and the dissatisfaction. Mr. President, 92 percent of all Americans believe special interest contributions buy votes of Members of Congress—92 percent; 88 percent believe those who make large contributions get special favors from politicians; 67 percent think their own representatives in Congress would listen to the views of outsiders who made large political contributions before they would listen to their own constituents' views; nearly half of the registered voters in our country believe lobbyists and special interests control the Congress.

I will go out on a limb and not antagonize, but perhaps prompt, some response from colleagues. All politicians love children, but we do precious little for them. One of the reasons we have done so little for or about poor children in America—who, by the way, constitute the largest group of poor citizens in our country—might be that they and their parent or parents don't contribute much by way of big contributions and don't have much access.

One of the reasons we have done very little to close the gulf between the rich and the poor, one of the reasons we have done so little to combat homelessness, and one of the reasons we have done so little to respond to the concerns of hard-pressed Americans even in these flush economic times is that these are the people who don't pay and don't play.

Perhaps the same argument can be made why we have been so generous in providing special breaks for oil companies; we have been so generous in making sure the tobacco industry continues to rule; we have been so generous in making sure we dare not take on the pharmaceutical companies, we dare not take on the insurance industry.

With all due respect, I don't know who is kidding whom, but I call this a very serious kind of corruption. I will keep using the word. It is not the wrongdoing of individual office holders, but we have developed a severe, serious imbalance of power in a representative democracy so that the very few in the country dominate the political process and all too often have their way and get exactly what they want and what they need, and the vast majority of people think their voice is not heard.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. WELLSTONE. I yield.

Mr. MCCAIN. Is the Senator familiar with the tax bill of $792 billion that passed through the Senate, and then there was going to be a tidal wave of public opinion that would force the President of the United States to sign it?

Does the Senator remember there were a number of special tax breaks in that bill—one for a corporation that turns chicken litter into energy and another for oil and gas, and even for people who make tackle boxes?

Does the Senator remember that those tax breaks would take effect immediately upon the signature of the President of the United States and that there were provisions to repeal the marriage penalty and others that would help average working Americans who don't make big political contributions, yet those tax breaks would not kick in until well into the next century?

Is the Senator familiar with those provisions of the tax bill, and, if so, what conclusions does he draw?

Mr. WELLSTONE. Mr. President, I will not draw one-on-one conclusions about each and every one of those provisions, and I will not make the assumptions that Senators vote one way or the other each and every time because of campaign contributions that a particular Senator may receive, but the overall bias is so much in favor of those large interests that are able to control and invest so much of the money in the political process. That is the problem.

One can allow on any one vote for Senators to honestly disagree, and we can't each time say it is because of money, but overall, I don't know anybody in the world who could argue that we don't have a serious problem.

Mr. MCCAIN. Did the Senator dare to use the word ''corruption''?

Mr. WELLSTONE. I have deliberately used the word ''corruption''

about 10 times because I think that is exactly what we are talking about: systemic corruption, not the wrongdoing of individual officeholders but the kind of corruption that exists when there is such a huge imbalance and few people have too much wealth and power and the majority of the people are left out of the picture.

Let me conclude in two different ways. One, I make a political science point; and, two, I want to make a personal point. I think what we are talking about, in the words of my hero journalist, Bill Moyers, is the soul of democracy. My premise is that political democracy—and I am pleased to be challenged on this if my colleagues choose—has several basic requirements.

First, we need to have free and fair elections. It is very hard to say we have them now. That is why people stay at home on election day. That is why they don't participate in the process. Incumbents outspend challengers 8 or 10 to 1 on average. Millionaires spend their personal fortunes to buy access to the airwaves, and special interests buy access to the Congress, all of which warps and distorts our democratic process.

That is what is going on. A millionaire can run and spend their own money—and many do, and there are millionaire Senators who are great Senators. Again, it is not a personal point I am making. However, most people ought to be able to run for office even if they are not a millionaire. If you are an incumbent—and I certainly hope this debate is not, in the last analysis, a debate between ins and outs—if you are an incumbent and you are an ''in,'' this system is wired for incumbents. We can go out and raise a lot of money. It is much harder for challengers to raise that money. This is a system that warps and distorts the democratic process, and we do not have free and fair elections.

The second criterion: A representative democracy requires the consent of the people. The people of this country, not special interests-big money, should be the source of political power. Government must remain the domain of the general citizenry, not a narrow elite.

We have two-tenths of 1 percent of the population that makes contributions of $1,000 or more. I don't know what percentage that is of the overall money we raise—60 percent? I could be wrong, but it is really skewed.

Let me put it this way. When I was teaching a class about the Congress, I remember I would talk about the Senate. I did not know people, and I have had a million pleasant surprises. In another speech, another debate, I will talk about all the pleasant surprises. But I made the argument: If you look at who the people are in the Senate, by background characteristics, by their income, by who they are, they certainly are not truly representative of the American population. But the more serious problem is, if you then look at the people back home, the constituents who are the relevant constituents, who can most affect our tenure or our lack of tenure, they are the people with the money. They are the people who can make the contributions so we can then put the ads on television in these hugely expensive, capital-intensive campaigns. The vast majority of people in the country know that and they feel left out. We should hate it.

I hope it is OK to say this about my conversation with my colleague from California. Jump up if I am wrong. We were talking about this. I think all of us should hate this system. We should all hate it. On the one hand, I say to myself: I get this. I know why a lot of colleagues do not want any reform, even this modest step of this legislation, which gets at a lot of the unregulated money, the soft money. I say to myself: I can figure this out because it is wired for incumbents. This is not a debate about Democrats versus Republicans, although all the Democrats are going to support this bill, and I hope we will have enough Republicans to pass it and stop the people who are blocking it. Maybe this is a debate between ins and outs and the ins don't want to change it. They don't want to change it because it is wired for us.

But then I think to myself: This cannot be because it is degrading getting on the phone calling strangers, people you do not even know. I don't know what is worse, I say to my colleague from California. I don't know what is worse.

I am having a little fun on the floor right now. I am on a roll, so I have to talk a little longer.

I don't know what is worse, when I call someone up, a perfect stranger, and I call them five times and they never return the call, or I call them up and they say no—I don't know whether that is worse, or if it is worse when they make a contribution, but I don't know them and they don't know me and I don't know why they made a contribution. I am not sure which is worse.

The only thing I know is it is torture. It is torture to have to get on this phone and beg and beg and beg for money. It is degrading.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. WELLSTONE. I will be pleased. Can I make one brilliant point before I take my colleague's question?

On this ins versus outs, I think all of us ins should be supporting the McCain-Feingold legislation and more, for one other reason. The other reason is, when we are up and it is our cycle, we can't do a good job of representing people because every day we have to spend 2 and 3 hours on the phone. We miss debate that we should be involved in; we miss committee work we should be involved in; we miss a lot of work that we should be doing, representing the people of our States. We should want to change this for that reason as well.

I will be pleased to yield for a question.

Mr. MCCAIN. Does the Senator think if he had a more pleasing personality and shaved his beard he would get a more positive response?

Mrs. BOXER. They can't see the beard on the phone, though.

Mr. WELLSTONE. Mr. President, I am speechless. That doesn't happen that often.

Mr. President, I want to finish up. I said that three times. I will finish up.

The last criterion is political equality. Everybody ought to have an equal opportunity to participate in the process. That means the values and preferences of citizens, not just those who get our attention through the large contributions, should be considered in the debate. One person, one vote; no more, no less; one person, same influence. Each person counts as one, no more than one. That is the standard. That is what it is all about. That precious principle, that precious standard of representative democracy, is being violated.

I have spoken about why I am going to oppose with all my might efforts to raise the limits on contributions. I want to speak about one amendment that I will introduce, which I think is a good amendment, I say to my colleague from Arizona. It is a States rights amendment. It holds harmless—no State certainly could go below the standards we have in Federal campaign finance law, but it would allow States which want to move toward clean money, clean elections, to do so. Arizona has done that; Massachusetts has done that; Maine has done that; Vermont has done that. There are going to be other votes in other States. It would say to those States: If you want to get much of the interested money out and you want to have clean money and clean elections and the people in your State vote for it, you should be able to apply it in Federal elections.

If we are not at the point yet where we have the political will so that we can pass more far-reaching reform, I say people in our States, if they are willing to apply this to Federal elections, should be allowed to do so. There is a lot of steam and there is a lot of momentum and a lot of enthusiasm for the clean money/clean election option. I think it is a very important one.

Finally, I have to say this because I forgot to mention this earlier. This is the part of the McCain-Feingold legislation that I think is perhaps most important. I remember the 1996 election. I think these issue advocacy ads are a nightmare. I think all of us should hate them. I very much would like to apply this to independent expenditures as well. I want to be clear about it. But in Minnesota, it was a barrage of these phony issue advocacy ads, where they do not tell you to vote for or against; they just bash you and then they say: Call Senator So-and-so.

They are soft money contributions with no limits on how much money is

raised, no limits on how the money is raised. It could be in $100,000 contributions, $200,000 contributions, and make no mistake about it, this is in both parties. These big soft money contributors have a tremendous amount of access and way too much influence in both parties.

So with one stroke, it would be a wonderful marriage. We could get some of this poison politics off television. We could get some of these phony ads off television. We could build more accountability, and we would make both political parties, I think, more accountable to the public.

This debate is about whether or not something we all value and love, which is our representative democracy, is going to continue to be able to function. It is the most important debate we are going to have. That is the core question, the core issue, the core problem. I hope there will be a vote for McCain-Feingold. I hope we can strengthen it. I hope those who oppose reform and continue to block efforts will not be successful. I think people in our country are counting on us to vote for democracy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2294

(Purpose: To increase reporting and disclosure requirements)

Mr. MCCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN] proposes an amendment numbered 2294.

Mr. MCCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. __. DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking ''and'' at the end of subparagraph (H);

(2) by adding ''and'' at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

''(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;''.

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

''(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. __. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking ''permit reports required by'' and inserting ''require reports under''.

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

''(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

''(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

''(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

Mr. MCCAIN. Mr. President, I will say to my colleague from California I will be very brief on my statement on the amendment. I know she has been waiting a long time and has shown patience. I will be brief on this amendment because I know she wants to speak on this important issue. I will take about 2 minutes to explain the amendment.

Mr. President, the amendment is simple. It simply calls for greater disclosure of campaign funds. I begin this discussion by noting this is not an original idea. It is language borrowed directly from legislation offered in the House of Representatives by our colleague, Congressman DOOLITTLE.

Specifically, this amendment requires campaign contribution disclosures made by political committees under State or local law to also be submitted to the FEC. Additionally, all campaign contributions made to political committees within 90 days of an election must be reported within 24 hours of receipt and the campaign contribution reports then be made available on the Internet by the FEC.

These provisions ensure the public knows who is contributing to campaigns in the closing days of an election and how much is being contributed. These added protections will allow the voting public to decide for themselves whether a campaign or an election is being unduly influenced by special interests.

I do not think these disclosure provisions will pose any unnecessary hardship on political parties or committees. This amendment provides simply for additional information about State and local elections to be made available quickly through the Internet and by the FEC. It ensures a common data bank of information about contributions so that interested voters can get updated information in one place and, as an election draws near, with close to realtime disclosures.

I firmly believe the public has a right to know, and tighter disclosure requirements will provide important information to the voters which will allow each voter to draw his or her conclusion about whether the effect of the contribution is—dare I say it? —corruption. But unlike the Doolittle bill, I believe these provisions add to the underlying bill and should not be considered a substitute. The amendment makes the bill better, and I hope my colleagues will support it.

In summary, the Internet has done enormously beneficial things. As far as the political process is concerned, it has provided a tremendous way for us to receive on-time information. We can, hopefully, utilize this incredible technological marvel to allow Americans who are interested to know literally within 24 hours of a contribution whom it was from and the amount of it.

I also believe we can do the same thing at a later time on expenditures as well because the Internet has provided us a great opportunity. Knowledge and information is obviously power and will help our voters understand the issues to make a more informed judgment.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Under the previous order, a Democrat should be recognized. The Senator from California.

Mrs. BOXER. I thank the Chair.

Mr. President, I assure my friend from Utah, I will not be long. I was looking at my statement, and even if I get enthusiastic and go off it, I think he is looking at 10 or 15 minutes.

Mr. BENNETT. Mr. President, if I may, I thank the Senator from California. I was under the impression it would be by position rather than by party, but I am more than happy to listen to her for 10 to 15 minutes because I am making notes.

Mrs. BOXER. I appreciate that, and I am sure my friend will find added comments after he listens to mine.

Mr. President, I want to start off by thanking Senators MCCAIN and FEINGOLD for their leadership on this issue. It is nice to see this cooperation across the aisle. I like it. It is healthy for the system, it is good for the system, and we gain more respect as an institution when we work together as opposed to constantly being on opposite sides. People get suspicious; they say: Why is it they always are fighting each other? This is good, and the subject is so important and gets right to the heart and soul of who we are as a people.

I also point out that it is very difficult around here to challenge the status quo. Some of us saw Senator MCCAIN getting fairly well grilled this morning. It is every Senator's right to grill another Senator. But it is very lonely sometimes to take on the status quo.

I have noticed in all my years in politics—and it has been a long time—what a legislature likes to do most is nothing, because it is easy, because if you keep it the same, you do not make waves, you do not disturb anybody, and it is comfortable. Certainly campaign finance reform is comfortable for many of us who have been in this for a long time.

Ever since I have been in politics, I have been supporting reforms in campaign finance. I have been in politics, in elected office, for 23 years. That is most of my adult working life. I started in local politics. It was an issue then. Then I went to the House in 1983. It was an issue then, and it has been an issue in the Senate during the 7 years I have served.

It is fair to ask: Why is Senator BOXER in favor of the most far-reaching campaign finance reform we can get? I can sum it up with three main reasons. Maybe there are 10 or 12, but I want to give the Senate the three main reasons.

First of all, the system is bad for ordinary people; and I will expand on that. Secondly, the system has the appearance of corruption; and I will expand on that. And thirdly, the system is stealing precious time from public officials who are elected to do a job; and I will expand on that.

First, the system is bad for ordinary people. Let me tell you why. Ordinary people feel disenfranchised. Ordinary people who cannot afford to make contributions to campaigns feel left out. Even if they were wrong on that—and I would tell people in my State, regardless of whether they make a campaign contribution or not, they are important to me. We all say that, and we mean that. They do have the vote. They are important to us. They do not believe it. They do not believe they count. They believe the people who count are the people who give $100, $500, $1,000—soft money contributions.

How do we know they feel this way? They have shut us out. They do not believe us when we talk. They believe we are motivated by people who give us the big dollars, and, sad to say, they are not voting. I look at the turnout of voters, and it is sad when we see in many elections 25 percent of the electorate votes, 40 percent of the electorate votes, and there are people all over the world literally dying to stand in line to vote in countries that are struggling to get the franchise. Ordinary people feel left out. That is a danger.

Secondly, the system has the appearance of corruption. Let me talk about the fight I waged on oil royalties. I do not know anyone who stood up in that debate who did not believe big oil companies were not paying their fair share of royalties.

Everyone agreed; even the key opponent of my perspective that we ought to do something about it said it is true, they are not paying their royalties. I know it to be the case when the person who stands up on this floor, whoever that might be—and in another case it could be me; in this case it was another Senator—and fights for the status quo for one particular industry and the newspapers write a story that that individual got more money from that industry than anyone else; even if the motives were as pure as the driven snow—and I have no reason to believe otherwise—people lose faith. They do not want to believe us if we stand up and fight for an industry and we are the biggest recipient of the industry's funds.

We are not talking about a thousand bucks; we are talking about big bucks. The appearance of corruption, if I may use the word, is out there.

I don't care what Senator, on either side of the aisle, stands up and stamps his or her foot and says: That's a terrible word. Don't use it; the appearance of corruption is out there. Maybe you don't think so, but ordinary people think so. We know it. It is another reason they are turned off. It is another reason they do not vote.

And the third reason: The system is stealing precious time from elected officials. Look, let's be honest. A person who comes from California, who takes the oath of office, would have to raise $10,000 a day, 7 days a week, for 6 years, in order to have the resources to run for reelection.

Let me repeat that—for 6 years, $10,000 a day, 7 days a week, in order to have the assets that are needed to run for reelection in California, where there are 33 million people and the highest TV rates in the country.

How do you think that happens? Do you think that individual in the Senate can possibly do all that and still do the best job that she can do? It is impossible.

Let me make a confession on the floor of the Senate. Having run for the Senate twice from that great State, I did every single thing I could to raise as much money as I could within the law. I don't want anyone to think I am holier than thou because I am not. If I was, I would have said: I'm not going to take the PAC money. I'm not going to ask people for soft money. I'm going to demand they take the issues ads off when they help me.

I am not holier than thou. I am a user of the system, and the system is wrong. I think the Senators from California who know what it is like to do this in some ways have more credibility than Senators from small States to talk about the evils of this system. The system is broken, and we have to clean up our act. It is very simple.

I am willing to do it in a baby step, which is what I consider this stripped-down bill to be, or I am willing to do a much larger step, which I think Shays-Meehan is in the House. I like it better. I will do what it takes to get something out of this Senate that speaks to reform.

Soft money, unlimited dollars, it does not matter what it is. It could be any amount going to the parties. Did it help me? Oh, yes. It helped me a lot. In some ways, I was in a better position than my opponent. He spent a fortune. I was able to raise more.

Why am I standing here? I know how to work the system. I have been at it a long time. It is in my benefit to keep it the way it is. Even a well-heeled opponent that I had and I faced, with all the support of the Republican Party, could not go toe to toe with me because I know how to work the system. But the system is broken, and we have to clean up our act. We have a chance to do it.

I hope people in this Senate who know this system inside out will do what they can to change it. Doing away with soft money is a step in the right direction. Do we need other steps? You bet we do.

We need to expand disclosure requirements, and I am going to read Senator MCCAIN's amendment with great interest. It seems to me we can do that in this bill because many times the special interests will wait until the last minute to dump big money into their candidate's campaign, hoping it will not be found out until after election day. With the computers the way we have them today, we ought to be able to know it pretty much on a real-time basis.

We need to ensure that these issue ads become a thing of the past. What a phony deal that is. That is as much an ad as the ad I put on for myself. How is this for an issue ad? ''Senator X has just cast a vote against a particular bill. It is a disaster for our country. Call Senator X and tell her she is wrong.'' That is an issue ad? No. That is a personal attack.

''Senator Y has supported a bill that is going to hurt our country's economy. Call Senator Y. Here are the three reasons he is wrong on that,'' and you mention the Senator's name over and over. By the way, you can even show the Senator's face.

That is not an issue ad. That is a direct attack ad. Was it done against my opponent? Yes, it was. Was it done against me? Yes, it was. It is uncontrolled. It brings in other issues that

the two candidates themselves do not even want to talk about. It unbalances the whole debate in the campaign. It has to be a thing of the past.

''Free speech,'' my colleagues say on the other side. I will tell you, I never heard anyone more eloquent on the point than the Senator from Kentucky. The Supreme Court was divided 5 to 4 on the issue of free speech. I tell you, they are wrong because when you say money equals speech, you are demeaning the Constitution; you are demeaning this democracy.

How is it free speech if candidate A is a billionaire and can buy up every inch of time on the TV and the radio and the other candidate, candidate Y, is a poor candidate and has to go raise money? By the time he gets the money, he goes to the TV stations and the radio stations, and they say: Oh, sorry, candidate Y. There is no time left for you to buy. That is an infringement on his speech.

I had an interesting situation at the end of my last campaign. A lot of money came in toward the end of my campaign. I sent it over to the TV stations. I just got it back with a big refund. By the time we got it over there, there was no more time.

So how do you say that money equals speech if one candidate has it; the other one has a harder time getting it, and they cannot get the prime time? This speech argument is a debasement of everything that I believe in. I believe that our Founders would roll over in their graves if they knew that when they fought and died for free speech, it now means money, and you cannot tell a wealthy candidate you can only put X into your campaign, because it is a violation of free speech. But what about the poor candidate? He does not have the money. What about his speech?

So this argument on speech, to me, is nonsensical. I am one of these people who believe the Supreme Court ought to take another look at that Buckley v. Valeo because I think it is off the wall.

So here I am standing in front of my colleagues admitting that I have used this system to the ultimate, that I have benefited from it because I understand it, that I am good at it. I have had, in the course of my campaigns, thousands and thousands and thousands of contributors. There is not a day that goes by that I do not thank them for their support because I would not be here; I could not have gotten my message out. But they understand, in their heart of hearts, and one of the reasons they wanted me to be here, I will stand up and fight against this system.

So I am doing it again in the hopes that maybe this time, with this stripped-down bill, we can pick up enough votes from the other side of the aisle to ensure that we will have some reform.

I beg my colleagues—we have had some bitter debates, very partisan debates, and it has not been a pretty thing to watch—maybe we can make this a pretty thing to watch. So far it has been kind of contentious.

In the end, if we can get the 60 bipartisan votes to shut off debate, maybe we will get a bill, maybe we can be proud of something we did in this Congress. They did it in the House.

I urge my colleagues, let us follow the lead of Senators MCCAIN and FEINGOLD. Let us reach across the aisle, do something right for the people, restore their faith in this system. Maybe they will start voting again and feel good about who we are and, frankly, about this country, if they think we are moving toward a truer democracy. We have a chance to do it. I hope we will.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, a Republican is to be recognized at this time. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I appreciate the remarks of the distinguished Senator from California. I know there has been a lot of frustration about campaigns, campaign financing and having to run for office and ask for money. I am not good at it and don't like to do it. It is a humbling experience. Sometimes people won't give you money. If enough people won't give you money to run your campaign, it may be an indication you are not as good a candidate as you think you are. But if you have a message and people care about it and want to give to it, that is what happens in this country.

I guess what I want to say is, there are frustrations. Part of it, for those who wish this system weren't the way it is, is the first amendment to the Constitution. It provides for free speech. In the primary, when I ran in Alabama in 1996, for the Senate—I have only been here since then—there were two individual candidates who ran against me in that primary who personally put in over $1 million of their own money into that race. I spent $1 million in my race and raised it by every way I could. I had two kids in college and was living on a government salary. I didn't have a million dollars, but I won the race. And there are instances of people spending tens of millions and losing.

The Supreme Court has said you cannot deny, under the free speech clause of the Constitution, an individual citizen the right to go on television and say, I have a dream for America or Alabama and I want to carry it out and listen to me. You can't prohibit that. That is free speech. I wish it wasn't so. They have things such as, well, you can do it except for the last 60 days before the election. They said that one time. I suspect we will have an amendment a little later on on this bill that goes back to that, saying you can have free speech, but not for 60 days before the election. That dog won't hunt, as they say. When do you want to speak most intently, if it isn't during the election cycle?

We have a serious problem, when we try to contain by Federal law the right of individual Americans to come together to put money in a pot and to campaign for or against a no-good or a great candidate for the Senate or the Congress or anything else. That is what we are talking about. We are saying people can't get together and actively challenge and fight, with every ounce they have, for the beliefs that they share.

Two years ago, when I got here, I couldn't believe what was happening. The Chair is an attorney, and he will understand this. We actually had an amendment offered in 1997 in this body to amend the first amendment to the Constitution, the right of free speech and press. Thirty-eight Senators out of 100 voted for it. It would have been the greatest retrenchment of American democracy since the founding of this country. I was shocked at it. I guess they are not embarrassed. They have not offered it again. They haven't come back with that amendment. I have it right here.

This was the amendment. Thirty-eight Senators proposed to amend it by saying that Congress shall be able to set limits on contributions in campaigns.

I will say one thing about those people, they were honest about it. They were direct about it. They knew that being able to speak out and raise money and buy time on television is part and parcel of free speech, and they were willing to pass a constitutional amendment so it could be done. We have problems when we start telling people they can't raise money.

As the Senator from Kentucky says, to speak, to carry your message, what you are doing is, these politicians, we politicians are going to get around here and say who can speak and who can't speak. We are going to tend to say the ones who can't speak are the ones who are attacking us and don't agree with us. American democracy is a great, great thing. Some say, our government is terrible but it is better than all others. I suppose that is what we are talking about fundamentally. We have learned over the years that the right of Americans to speak and debate and contend for their beliefs is ultimately better than passing laws to control it. That is the fundamental choice with which we are dealing.

McCain-Feingold originally, as it came forward, was going to stop all kinds of activity within days of the election. It was going to do a lot of different things on issue advocacy, that sort of thing.

Mr. President, I believe I will need unanimous consent to retain the floor following the vote at 4 on the DOD conference report. I ask for that at this time.

The PRESIDING OFFICER. Is there objection?

Mr. CHAFEE. Mr. President, we are going to vote at 4, is my understanding.

The PRESIDING OFFICER. The Senator is correct.

Mr. CHAFEE. Does this unanimous consent request change that?

The PRESIDING OFFICER. It does not.

Mr. CHAFEE. So we will still vote at 4 on DOD?

The PRESIDING OFFICER. This request does not change that.

Mr. CHAFEE. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the vote is scheduled for 4? We will be voting at 4?

The PRESIDING OFFICER. Yes.

Mr. SESSIONS. I will simply wrap up by saying there is not an easy way around this. The original McCain-Feingold attempted to contain all collections of money outside a political campaign in a lot of different ways. The effect of that was to say that a pro-choice group, a pro-life group could not raise funds and speak out on issues, even as it related to a particular candidate or campaign. When it became clear, I submit, that would not meet constitutional muster, we now have McCain-Feingold lite, as they say. It simply says you can't give but a limited amount of money to a political committee, Republican or Democratic committee or Republican or Democratic congressional campaign committee and, I suppose, some other party, if they have that much strength and qualify, but basically, political parties can't receive moneys except under the limited powers given. They have had to abandon the goal of prohibiting independent political action groups from receiving money and spending it.

I had groups against me that had spent money that I am not sure who they were. They were basically fly-by-night groups. I have heard other Senators talk about waking up and turning on the television and being attacked by some citizens for the environment or citizens for this or that. People put their money into those groups. They run ads, and they call your name. That is not covered by this bill. All it says is you can't give to a political party who may be involved in the election and you are limited in how much money you could give to them. But a political party is better than these fly-by-night groups. A political party has to be there the next election. If they cheat and lie and misrepresent, you can hold them accountable, and it probably will hurt them in the next election. They have people whose reputations are committed to those parties.

If we are going to control anything, we ought to do these other groups, rather than political parties, because they have an incentive to maintain credibility, and this bill would not do anything except for political organizations.

I thank the Chair and yield the floor.

DEPARTMENT OF DEFENSE APPROPRIATIONS, 2000—CONFERENCE REPORT—Continued

The PRESIDING OFFICER. Under the previous order, the hour of 4 p.m. having arrived, the Senate will now proceed to vote on the conference report accompanying H.R. 2561, which the clerk will report.

The legislative assistant read as follows:

Conference report accompanying H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

Mr. DOMENICI. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative assistant called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

I further announce that if present and voting the Senator from Massachusetts (Mr. KENNEDY) would vote ''aye.''

The result was announced—yeas 87, nays 11, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—87

Abraham	Durbin	Lugar
Akaka	Edwards	Mack
Allard	Enzi	McConnell
Ashcroft	Feinstein	Mikulski
Baucus	Frist	Moynihan
Bennett	Gorton	Murkowski
Biden	Gramm	Murray
Bingaman	Grams	Nickles
Bond	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Roberts
Bryan	Hatch	Rockefeller
Bunning	Helms	Roth
Burns	Hollings	Santorum
Byrd	Hutchinson	Sarbanes
Campbell	Hutchison	Schumer
Chafee	Inhofe	Sessions
Cleland	Inouye	Shelby
Cochran	Jeffords	Smith (NH)
Collins	Johnson	Smith (OR)
Conrad	Kerrey	Snowe
Coverdell	Kyl	Specter
Craig	Landrieu	Stevens
Crapo	Lautenberg	Thomas
Daschle	Leahy	Thompson
DeWine	Levin	Thurmond
Dodd	Lieberman	Torricelli
Domenici	Lincoln	Warner
Dorgan	Lott	Wyden

NAYS—11

Bayh	Graham	Robb
Boxer	Harkin	Voinovich
Feingold	Kohl	Wellstone
Fitzgerald	McCain	

NOT VOTING—2

Kennedy	Kerry

The conference report was agreed to.

Ms. COLLINS. I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

BIPARTISAN CAMPAIGN REFORM ACT OF 1999—Continued

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Chair.

Mr. President, there is a difficulty in a free country, one that guarantees the right of free speech and the press, to tell a group of citizens they cannot raise money and speak out at any time they choose to carry forth the message they believe in deeply. We are not talking about a game here. It is nice to sit around and say: How can we do something about this money in campaigns? It is such a burden to raise money. People try to buy influence. It is true people do try to ingratiate themselves to Members of Congress. How do you stop it? How do you do it, consistent with the great democracy of which we are a part?

This bill as it is written, the ''McCain-Feingold lite''—the final version that has been altered, as we have gone by—is a feeble, sad attempt, really, to control spending in a way that is not going to be at all effective. In fact, it is going to be counterproductive and unwise, at the same time undermining the great first amendment of our Constitution.

This bill would fundamentally only ban contributions of soft money; that is, contributions of money of certain amounts that are limited in the statute. If you give more than that to a party, then that becomes soft money. It would ban these contributions to parties or party organizations.

Parties are good things. A lot of fine political scientists have been concerned over a number of years that parties have begun to lose their strength. But they go out to educate the public. People can call them to get information. They help young, inexperienced candidates get into the political fray. They help them fill out their forms right and make sure they comply with the campaign laws and the other laws involved in these elections. They serve good purposes. They are, at their foundation, a group of American citizens who share a general view of government who desire to come together to further those ends through their organization. So we are banning money to them. Who does not get soft money or money over the $1,000 contribution limits? Parties cannot get it. At the same time, there would be no ban on contributions to organizations that are not historic, that will not continue to exist from election to election. They will go away.

In Alabama, in 1996, the ad that was voted the worst ad in America was run in our supreme court race. It was a skunk ad, and it was a despicable ad. It was done by money that apparently was given by a trial lawyers' association to an organization. I think the title of it was the ''Good Government Association.'' They raised this money and put it into this thing. It had one

purpose. It didn't register voters, didn't answer the phone, didn't produce literature—it ran attack ads against a good and decent candidate for the supreme court of the State of Alabama. This bill would not stop that kind of thing. That could still go on.

That is why I believe it would do nothing to deal with that fundamental problem. When people care about an election, they are going to speak out. These fly-by-night groups that come together, they have no integrity to defend over the years as a political party does. Their leaders oftentimes are people you will never hear from again. But a chairman of a political party, the candidates and members of that party, Republican or Democrat, have a vested interest in trying to maintain the integrity of their party. I think, in truth, there are going to be fewer abuses by a political party, frankly, than another kind of institution. I will just say these would be legal under this bill. It would not deal with the fundamental question with which we are most concerned.

We know one of the union labor leaders has promised to spend $46 million in 35 congressional races to defeat Republican candidates and take over the House of Representatives. He has announced that: Over $1 million per race. This bill would provide no control over that.

What if you are a candidate in Alabama and all of a sudden you wake up and you have been targeted and they are spending $2 million—it could be $2 million, maybe $3 million—against you, running attack ads daily? You go around to ask people to raise money to help you and they cannot give but $1,000 and you cannot get your message out because you have been overwhelmed. That is not fairness. It would not control that kind of immense funding in any way. That is not fair. That is all I am saying. That is not fair. We do not need to do that thing, in my view.

If there is a problem in campaign finance and funding, one of the most amazing and aggravating things to me is that a union member who favors me or someone else, another candidate, may have his money taken or her money taken and spent for the person they oppose. They have no choice in it whatsoever. They have to work, they have to pay union dues, and the money is spent. This bill throws up a figleaf and says, if you are not a union member, then you can object, if they are taking your union dues, and maybe get a little bit of it back if you protest and demand it back. But as far as dealing fundamentally with the freedom of working Americans to decide who their money is spent on, it would do nothing. That is a wrong, if you want to know what is wrong in this country.

I submit this bill is a shell, a pretend bill. It will not stop soft money. That is so obvious as to be indisputable. It is going to continue. It is just going to go through organizations other than political parties. It will not stop unions from spending $46 million on a few targeted races. It is not going to stop political action committees with special interests from raising funds, involving themselves in elections. Indeed, how can it? Should it be able to? Probably not. How can we stop people from doing that?

I don't like it. I don't like people running ads against me and I have had them run against me saying: Call JEFF SESSIONS and tell him you don't like what he is doing. It is basically an attack ad. It is not going to change.

What can we do? I can suggest a few things. Let's raise the 1974 spending limits. That is way out of date. It is time to bring those up to date. Then a person who cares about an election, if he gives $2,000 or $3,000, may not believe he needs to carry on by giving money to a special committee to argue the case further. He may be satisfied with that. That would be natural and normal. It would reduce the pressure for soft money.

I believe we need more prompt disclosure. People need to know who is giving this money. It would have been helpful for the voters of Alabama to have known that a skunk ad came from defense lawyers, plaintiff lawyers, and business interests on one side of that debate. They would be more understanding of what it means and may be able to hold somebody accountable in a way they would not otherwise.

Frankly, we ought to start enforcing the law. I spent 15 years as a Federal prosecutor. We are not doing a very good job, in my view, of finding people who violate existing laws and seeing that people are held accountable. There are going to be mistakes, and I am not talking about witch hunts and trying to disturb honest and decent candidates who have done their best to comply with many regulations, but we really need to watch those cases where we have serious enforcement problems.

The Senator from Utah talked about Mr. Tamraz who gave $300,000 to the Democratic Party to meet with the President, and the State Department people said he is a bad character and they should not see him. But he was invited to the White House and the President saw him anyway. That is helpful and may not be an absolute violation of the law, but that is the kind of thing we ought to know about and stand up against. But this is freedom fundamentally to speak out.

My time is up. Our cure, I am afraid, is more dangerous than the disease. We have a lot of problems in elections and because of them people get upset. But fundamentally in America, today you can campaign and get your message out, and the American people accept the results of those elections. We do not have riots when one candidate wins and another one does not. It is because people feel they have an adequate opportunity to have their say.

This legislation clearly, in my opinion, would weaken the first amendment right to free press and freedom of speech. It would be dangerous because the incumbents will be setting the rules. As Members of this body, we are going to set rules which protect and resist activities that we as incumbent politicians do not like. Every now and then, it might be healthy for somebody who wants to raise a bunch of money and run against some of us. It might be good for us. One can make an issue of it if they think it is unfair, but how can we say they cannot do that? Many of the rules we are talking about cannot be enforced. They will not be enforced or do not even attempt to avoid certain loopholes which we close in a little gate and then the whole fence is down when we allow this money to go through other political groups and just barring parties from spending the money.

This plan will not work. It will not achieve the goal of the parties submitting it. It will not do that. It encroaches on the first amendment and is not good public policy.

I thank the Chair for the opportunity to speak and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

Mr. CLELAND. I thank the Chair.

Mr. President, campaign finance reform was the first issue on which I chose to speak when I was duly elected to the Senate almost 3 years ago. I occupied this desk and talked about my understanding of the state of campaign financing in America. I had just gone through one of the most expensive Senate races in the history of the United States where I was outspent some 3½ to 1. I am lucky to be here.

The current status of campaign financing in America is a moral swamp; it is full of skunks; it is full of special interests out to buy their way into the heart of the American Government. Those of us in this Senate, 100 selected, want to make sure the public interest prevails, not special interests. I tip my hand and my hat to two fine Members of this body who day in and day out, year in and year out, have fought the good fight in cleaning up this moral swamp of campaign financing.

My dear friend and fellow Vietnam veteran, Senator JOHN MCCAIN, and my seatmate, Senator FEINGOLD, have put together an effort which I believe has a reasonable chance of succeeding.

I can remember sitting here a couple years ago after a whole year of sitting on the Governmental Affairs Committee and listening to one horror story after another about problems of campaign financing in America, and a majority of our Governmental Affairs Committee decided we needed campaign financing; we needed the McCain-Feingold bill. I was an original cosponsor of it and a majority of the Senate supported it, but we could not get 60 votes.

Senator MCCAIN, in those days, said something like: It is a question of time. This Senate will pass campaign finance reform. It is just a matter of

when, and it will be whether or not we are here.

I am glad the issue of campaign finance reform is back before this distinguished body, and it is none too late. In 1998, the last general election in this country, we had higher spending, more negativity, greater public cynicism, and not coincidentally, lower voter turnout than at any time in this century. We are at a turning point. I thank Senator JOHN MCCAIN and Senator RUSS FEINGOLD for offering to us, again, a chance to clean up this moral swamp.

My dear colleague from Arizona and I were in the Vietnam war. We have been shot at before. We have been attacked before. We have been criticized before. But his integrity is still intact. He is incorruptible, he is unbought and unbossed, and I am honored to serve with him today.

Over the years, opponents of McCain-Feingold have continued to concentrate their spoken criticisms on its alleged violations of free speech, though that is, in my opinion, a flawed equation of money with speech.

I look back at the 1976 decision by the Supreme Court which, in effect, equated the ability to spend money with free speech. In the campaign finance hearings a couple of years ago, I asked the simple question: If you do not have any money in this country, does that mean you do not have any speech? Of course not. The problem is we have equated money with speech and the ability to get on the air with 30- and 60-second spots which make us want to throw up.

I share the concern of the distinguished Senator from Alabama, Mr. SESSIONS, about these negative attack ads that come from out of State and seem to originate from God knows where. They come in and assassinate someone's character. That is not the country for which Senator MCCAIN and I fought. That is not the kind of democracy we intend to serve. That is one reason why I have bonded with him in such a close way: to support cleaning up this incredible process.

Right now we have a system where every millionaire in America can expect to run for public office. The rest of us will have to take a back seat.

I would say there is little doubt about the commitment of James Madison, father of the Constitution, an architect of the Bill of Rights, and President of the United States, to the great cause of free speech. Madison was the author of the first 10 amendments to the Constitution, the Bill of Rights. In The Federalist Papers, Madison put the challenge of governing this way. He said:

> But what is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.

We have to control this campaign finance system or it will eat us alive. Our system of elections is fast becoming a system of auctions. While Madison was certainly both a revolutionary and a visionary, he never allowed himself to stray too far from the practical realities of the world in which he lived. To him, the lack of human perfection was thus the basis for government and a factor which must be taken into account in providing a government with sufficient powers to accomplish its necessary functions.

The last time the Senate debated McCain-Feingold, back in 1997, Senator FRED THOMPSON, the chairman of the Governmental Affairs Committee, delivered a very fine statement on the Senate floor about campaign finance reform and free speech in which he pointed out that, in the real world, the debate about campaign finance reform and free speech is not one of absolutes, as some would have it. There is not a choice between a system of unfettered free speech and government regulation, for our current system recognizes many instances in which there is a legitimate and constitutional public interest in regulating speech, from slander laws, to prohibitions on the disclosure of the identities of American intelligence agents, to the campaign arena itself, with a longstanding ban on corporate contributions and quarter-century and older limits on other forms of contributions and disclosure requirements.

So the debate isn't really over whether or not there will be government regulation of campaigns but on what form that regulation will take. In the words of Dr. Norm Ornstein, a noted political scientist and a witness in the Governmental Affairs hearings, the question is whether or not we will erect some ''fences'' to prevent the worst abuses from recurring.

As I have told anyone who has asked me, I love being a Senator. I cherish this body. As does Senator BYRD, I cherish its traditions. Having the privilege of representing my State in this body, where such giants as Clay and Webster and Calhoun and Norris and LaFollette and Dirksen and Russell and Senator BYRD have served with great distinction, is the greatest honor of my life. But, my fellow Members of the Senate, I was not honored by the process that I and every other candidate for the Senate had to undergo in order to get here.

We have to spend years in raising millions of dollars just to defend ourselves out there in the marketplace. I have not felt privileged sitting here day by day, with evidence continually mounting in congressional hearings, in newspaper reports, of campaign abuses, or public opinion surveys chronicling the loss of public trust in the political process, or the ongoing massive fundraising which takes place all the time in this, the Nation's Capital. The current system is broken, and it cries out for reform.

We have heard a lot of talk, and we will hear more talk, about these abuses, and about the general topic of campaign finance reform. But the time is coming when we must take action. Certainly the revised McCain-Feingold package is not perfect; it is not all that I think needs to be done to remedy our problem, but it is an essential first step, aimed at dealing with the worst of the abuses which currently plague our campaign system.

It is fascinating how the term ''soft money'' has grown up. It is really not soft money; it is hard money with soft laws. It is now time to correct that abuse. The revised bipartisan campaign finance reform proposal does not contain spending limits. I wish it did. Unfortunately, the Supreme Court has declared that unconstitutional. It does not contain limits on PACs. The current law does. It does not provide free discounted broadcast air time for Federal candidates. I think we ought to have that. And the bill does not place any limitations on sham issue ads, which we need very badly. We need to place some limitations on that, especially 60 days out from an election.

But what the proposal does do is this:

One, it bans soft money contributions to and spending by national political parties and candidates for Federal office. That, in and of itself, is an achievement.

Two, it curbs soft money contributions to and spending by State parties when such activities are related to Federal elections.

And three, it strictly codifies the Beck decision concerning the right of nonunion members to have a refund of any union fees used for political purposes to which they object.

There are certainly areas where I believe this package should be strengthened, but we must not let the pursuit of a politically unattainable ideal prevent us from adopting the very useful and important provisions in this package.

Let us remember that it was soft money which was at the heart of most of the egregious campaign abuses uncovered by the Governmental Affairs Committee's investigation of the 1996 campaign. I sat through a whole year of listening to those horror stories, and it convinced me it is long since time that we act.

The country is watching what we do on campaign finance reform. Make no mistake about that. They are understandably skeptical that we will take action to reform the very system under which we all were elected, and, shall we say, expectations are extremely low. Unfortunately, based on our behavior to date, those expectations are being fulfilled.

But this is a real opportunity, the best we will have in this Congress to show we can take the hard but necessary steps to help begin to restore the public's faith in the workings of our great experiment in democracy.

Earlier this year, by an overwhelming bipartisan majority, the

House of Representatives approved the Shays-Meehan bill, which goes far beyond the measure currently before the Senate. The President of the United States stands prepared to sign any reasonable version of either of the bills into law. Now the ball is clearly in our court.

As we consider the McCain-Feingold legislation, I hope we will at long last be allowed to engage in the normal amendment process whereby the Senate can truly work its will and seek to improve the pending legislation. There are a number of areas in which I think the existing bill can and should be improved. For my part, I will be offering a series of amendments related to enforcement of existing laws by strengthening the Federal Elections Commission and campaign disclosure requirements. The FEC is the referee in this ballgame. It is time we gave the referee some strength.

One of the most glaring deficiencies in our current Federal campaign system is the ineffectiveness of this referee. The FEC, whether by design or through circumstance, has been beset by partisan gridlock, uncertain and insufficient resources, and lengthy proceedings which offer no hope of timely resolution of charges of campaign violations. It is similar to a referee in a football game blowing a whistle and 9 months later throwing the flag.

Thus, the first major element of my amendments is to strengthen the ability of the Federal Election Commission to be an effective and impartial enforcer of Federal campaign laws.

I will be offering amendments to do several things:

One, alter the Commission structure to remove the possibility of partisan gridlock by adding a seventh member, who would serve as Chairman and would be appointed by the President —with the advice and consent of the Senate—from among 10 nominees recommended by the Supreme Court.

Two, require electronic filing of reports to the FEC; authorize the FEC to conduct random audits; give the FEC independent litigating authority, including before the Supreme Court; and establish a right of private civil action to seek court enforcement in cases where the FEC fails to act, all of which should dramatically improve the prospects for timely enforcement of our campaign finance laws.

Three, provide sufficient funding of the FEC from a source independent of congressional intervention by the imposition of filing fees on Federal candidates, with such fees being adequate to meet the needs of the Commission.

There is another area to be addressed by my amendments. The area I would like to address is to enhance the effectiveness of campaign contribution disclosure requirements.

I have to admit, of all the laws, of all the requirements I have seen at the State level and the Federal level, over the years in which I have been dealing with the question of campaign finance reform—and I was the State official in Georgia for 12 years who was the State elections officer, and I pushed for campaign finance reform then, and now I am pushing for it as a Senator. Of all the requirements I have seen, of all the laws and the rules and regulations, I think the most effective brake on abuse in the campaign finance system is disclosure. As Justice Brandeis once observed: Publicity is justly commended as a remedy for social and industrial diseases. Sunlight is said to be the best of disinfectants.

This is certainly true in the realm of campaign finance. Let there be more sunlight. Perhaps the most enduring legacy of the Watergate reforms of a quarter century ago is the expanded campaign and financial disclosure requirements which emerged from that tragedy. By and large, those increased disclosure requirements have served us well, but as with everything else, they need to be periodically reviewed and updated in the light of experience.

Therefore, based in part on testimony I heard during the last session's Governmental Affairs Committee investigation and in part on the FEC's own recommendations for improved disclosure, my amendments would make several changes in current disclosure requirements.

Specifically, I am recommending a reform which will make it more difficult for contributors and campaigns alike to turn a blind eye to current disclosure requirements by requiring those who contribute $200 or more to provide a signed certification that their contribution is not from a foreign national and is not the result of a contribution in the name of another person.

In addition, I will offer amendments embodying a number of disclosure recommendations made by the FEC in its reports to the Congress and by other campaign finance experts, including, among others: One, requiring all reports to be filed by the due date of the report; two, requiring all authorized candidate committee reports to be filed on a campaign-to-date basis rather than on a calendar-year cycle; three, mandating monthly reporting for multicandidate committees which have raised or spent or anticipate raising or spending in excess of $100,000 in the current election cycle; again, clarifying that reports of last-minute independent expenditures must be received at the FEC within 24 hours of when the expenditure is made; and, finally, requiring that noncandidate political committees which have raised or received in excess of $100,000 be subjected to the same last-minute contribution reporting requirements as candidate committees.

It is so easy to be pessimistic about campaign finance reform efforts. The public and the media are certainly expecting this Congress and this Senate to fail to take significant action in cleaning up this swamp. The scandalous campaign system, though, under which we all now suffer must be changed.

I suggest we cannot afford the luxury of complacency. We may think we will be able to win the next election or reelection because the level of outrage and the awareness of the extent of the vulnerability of our political system have perhaps not yet reached critical mass. I am confident it is only a matter of time, as Senator MCCAIN has said, and perhaps the next election cycle, which will undoubtedly feature more unaccountable soft money, more sham issue ads, more circumvention of the spirit and, in some cases, the letter of current campaign finance laws, before the scales are decisively tilted in favor of reform.

We will have campaign finance reform, Mr. President. The only question is whether or not this Congress and this Senate step up to the plate and fulfill their responsibility to the American public and give them a system in which they can have confidence.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Nevada.

Mr. REID. Mr. President, for the information of Members, the manager of the bill and the minority are trying to work out a time. We expect there will be a vote at 6 on the underlying amendment. All Members should keep that in mind. We don't have it yet, where we can enter a unanimous consent request, but we are very close to it.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today as we begin the debate on campaign finance reform to discuss my thoughts and hopes on the actions the Senate will be taking in the coming days.

First, let me thank the sponsors of the legislation, Senators MCCAIN and FEINGOLD, for their tireless perseverance to enact campaign finance reform. Without their hard work and vast knowledge, we would not be at this important point. I would also like to thank the majority leader, Senator LOTT, for working with Senators MCCAIN and FEINGOLD to schedule this time for what I hope will be a full and open debate on this important issue. I look forward to hearing and debating the many ideas of my colleagues and believe the Senate should strive over the next couple of days to show why we are considered the greatest deliberative body in the world.

Mr. President, I was first elected to Congress following the Watergate scandal, right around the time Congress last enacted comprehensive reform of our campaign finance system. I have watched with growing dismay over my almost 25 years in Congress as the number of troubling examples of problems in our current campaign finance system have increased. These problems have led to a perception by the public that a disconnect exists between themselves and the people that they have

elected. I believe that this perception is a pivotal factor behind the disturbingly low voter turnouts that have plagued national elections in recent years.

While some may point to surveys that list campaign finance reform as a low priority for the electorate, I believe that the public actually strongly supports Congress debating and enacting comprehensive reform this year. It is important to reverse the trend of shrinking voter turnout by reestablishing the connection between the public and us, their elected representatives, by passing comprehensive campaign finance reform.

As I said earlier, I look forward to a full and open debate on the issue of campaign finance reform including the amendments that will be offered. At the end of this debate, the Senate should be able to pass comprehensive campaign finance reform. That to me is the most important aspect of any bill the Senate may pass, it must be comprehensive. If we fail to address the problems facing our campaign finance system with a comprehensive balanced package we will ultimately fail in our mission of reforming the system. Closing one loophole, without addressing the others in a systematic way, will not do enough to correct current deficiencies, and may in fact create new and unintended consequences.

Mr. President, we have all seen firsthand the problems with the current state of the law as it relates to sham issue advertisements. I have focused much time and effort on developing a legislative solution on this topic with my colleague Senator OLYMPIA SNOWE, and was pleased that this solution was adopted by the Senate during the last debate on campaign finance reform. I was also proud to cosponsor the comprehensive campaign finance bill Senators MCCAIN and FEINGOLD introduced earlier this year that included this legislative solution.

While I understand the rationale my colleagues used in crafting the base legislation that we are debating, I feel strongly that the legislation the Senate must ultimately vote on include some kind of changes to the current law concerning sham issue advertisements. I feel that we have crafted a reasonable, constitutional approach to this problem and will be offering it as an amendment during this debate.

That does not mean, though, that we will stop working with our colleagues to craft additional, and perhaps different, ideas to address the problems with the current law on sham issue advertisements. My ultimate goal is to create a comprehensive campaign finance bill that will garner the support of at least 59 of my other colleagues, and hopefully more.

Mr. President, I look forward to the upcoming full and open debate on this important issue, and pledge to continue working with my colleagues to enact comprehensive campaign finance reform into law this year.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote on the underlying amendment occur at 6 o'clock this evening, and that the time be divided equally between the respective parties prior to that time.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Would the Senator repeat the unanimous consent request?

Mr. REID. It is that the vote on the underlying amendment would occur at 6 o'clock, there would be no second-degree amendments in order, and that the time between now and 6 o'clock be divided between the proponents and opponents of the amendment.

Mr. MCCAIN. I don't object.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am also informed—and I believe it is the case—that after the vote at 6 o'clock, there will be 20 minutes on the VA-HUD Appropriations bill.

That is for the information of Senators. It hasn't been determined by the leaders for sure, but that is what I expect will happen.

Mr. MCCONNELL. Mr. President, let me second what the assistant Democratic leader has said. That is the anticipation with regard to the VA-HUD.

Mr. President, seeing no one on the floor at the moment, I thought I might make a few observations about the debate in which we are currently engaged.

One of the commonly stated myths that we have heard throughout the day is that soft money in our current campaign finance system is the cause of unprecedented public cynicism about, and distrust of, government. The truth is, according to a study published by Oxford Press in 1999, which was coordinated by the faculty of the Kennedy school and which benefited from the participation of scholars from the University of Michigan, the University of Arizona, and the University of Illinois, public trust in government and cynicism about government predates not only soft money but also the events that prompted the original Federal Election Campaign Act. According to this study, public trust in the Federal Government has suffered a fairly steady decline since 1958, when 75 percent of the American people trusted the Federal Government most of the time.

By the end of the Carter administration, this number had dropped to approximately 25 percent. This trend was temporarily reversed during the Reagan administration, but during the subsequent administrations, it again declined to near pre-Reagan levels of distrust. The fact that our campaign finance system and soft money have not caused a precipitous drop in public trust and an unprecedented increase in cynicism is confirmed by an even more recent study by two Harvard professors, which is going to press at the Princeton University Press. This study shows that trust in government did not precipitously decline during the scandal-ridden 1996 Presidential campaign.

These studies show that, according to most recent data available to these distinguished scholars, levels of public trust in government are currently no higher than they were in 1994 or at the end of the Carter administration in 1980. Simply put, the best and most recent scholarship establishes that public distrust of government predates our current campaign finance system and soft money, and the advent of our current campaign finance system and soft money have not accelerated the relatively steady decline in public trust that began in 1958. So it is clear that this debate we are having has absolutely nothing to do with the steady decline of confidence in our government.

Now, the prescription for this steady decline that has been offered by a variety of so-called reformers around here has been tried in some other democracies.

Let's look at Canada, for example. Our neighbors to the north already have passed many of the types of regulations supported by the proponents of the various reforms that are before the Senate or have been before the Senate in recent years. Canada has adopted the following regulations of political speech: spending limits that all national candidates must abide by to be eligible to receive taxpayer matching funds. Candidates can spend $2 per voter for the first 15,000 votes they get, $1 per voter for all the votes up to 25,000, and 50 cents per voter beyond 25,000.

Canada also has spending limits on parties that restrict parties to spending the product of a multiple used to account for cost of living times the number of registered voters in each electoral district in which the party has a candidate running for office. Right now, it comes out to about a dollar a voter.

Canada also has indirect funding via media subsidies. The Canadian Government requires that radio and television networks provide all parties with a specified amount of free air time during the month prior to an election. The government also provides subsidies to defray the costs of political publishing and gives tax credits to individuals and corporations which donate to candidates and/or parties.

That is the prescription in Canada. It is not all that dissimilar to the ones that have been promoted here in recent years, up to and including the bill we currently have before us.

Let's look at the attitude about government in Canada after all of these reforms. The most recent political science studies of Canada demonstrate that, despite all of this regulation of political speech by candidates and parties, the number of Canadians who feel ''the government doesn't care what people like me think'' has grown from roughly 45 percent to 67 percent. Confidence in the national legislature, after the enactment of all of these speech controls, has dropped from 49 percent to 21 percent. The number of Canadians satisfied with their system of government has declined from 51 percent to 34 percent.

Let's take a look at Japan. According to the Congressional Research Service:

> Japanese election campaigns, including campaign financing, are governed by a set of comprehensive laws that are the most restrictive among democratic nations.

After forming a seven-party coalition government in August 1993, Prime Minister Hosokawa placed campaign finance reform at the top of his agenda. He asserted that his reforms would restore democracy in Japan. In November 1994, his reform legislation passed. After this legislation, the Japanese Government imposed the following restrictions on political speech:

Candidates are forbidden from donating to their own campaigns. Any corporation that is a party to a government contract, grant, loan, or subsidy is prohibited from making or receiving any political contributions for 1 year after they receive such a contract, grant, loan, or subsidy.

There are strict limits on what corporations and unions and individuals may give to candidates and parties. There are limits on how much candidates may spend on their own campaigns.

Candidates are prohibited from buying any advertising in magazines and newspapers beyond the five print media ads of a specified length that the government purchases for each candidate.

Parties are allotted a specified number of government-purchased ads of a specified length. The number of ads a party gets is based on the number of candidates they have running. It is illegal for these party ads to discuss individual candidates.

In Japan, candidates and parties spend nothing on media advertising because not only are they prohibited from purchasing print media ads, but they are also prohibited from buying time on television or radio.

The government requires TV stations to permit parties and each candidate a set number of television and radio ads during the 12 days prior to the election.

Each candidate gets one government-subsidized televised broadcast.

The government's election management committee provides each candidate with a set number of signboards and posters that subscribe to the standard government-mandated format.

The Election Management Committee also designates the places and times candidates may give speeches.

The government says when candidates may speak, and where they may speak.

You may ask: What happened after these exacting regulations on political speech that amount to a reformer's wish list were imposed in Japan? Did cynicism decline? Did trust in government increase? Not so, as you notice.

Following the imposition of these regulations, the number of Japanese saying they had no confidence in legislators rose to 70 percent.

Following these regulations, only 12 percent of Japanese believe the government is responsive to the people's opinions and wishes.

The percentage of Japanese satisfied with the Nation's political system fell to 5 percent.

Voter turnout continued to decline.

Let's take a look at France.

In France, there is significant regulation of political speech with government funding of candidates, government funding of parties, free radio and television time, reimbursement for printing posters, and for campaign-related transportation.

In France, they ban contributions to candidates by any entity except parties to PACs.

Individual contributions to parties are limited.

Strict expenditure limits are set for each electoral district in place.

Every single candidate's finances are audited by the Commission Nationale, generally known as CCFP, to ensure compliance with the rules.

Despite all of these regulations on political speech in France, the latest studies indicate the French people's confidence in their government and political institutions has continued to decline. Voter turnout has continued to decline.

Let's look at Sweden.

Sweden imposed the following regulations on political speech: There is no fundraising for spending for individual candidates at all. Citizens merely vote for parties which assign seats on the proportion of votes they receive.

The government subsidizes print ads by the parties.

Despite the fact that Sweden allows no fundraising or spending for individual candidates, since these requirements have been in force the number of Swedes disagreeing with the statement that ''parties are only interested in people's votes, not in their opinions'' has declined from 51 percent to 28 percent.

The number of people expressing confidence in the Swedish Parliament has declined from 51 percent to 19 percent.

So it is clear that many assertions made by the proponents of additional campaign finance regarding the causal link between the campaign finance system or soft money, and voter turnout, public cynicism, national pride, and the health of our democracy are not supported but actually contradicted by the best and most recent scholarship and empirical data available from prestigious academics at institutions such as the Kennedy School at Harvard and the University of California System's Center for the Study of Democracy, and contrary to the experience of the other industrialized democracies that have passed the type of measures desired by proponents of more regulation of political speech.

The rationale for all of this has been that we need to clean up the system, squeezing out all of these private interests so everybody will have more confidence in the government.

That didn't work anywhere overseas. So let's take a look at the United States.

Voter turnout at home: In the end, we don't even have to look at other countries to see that speech controls do not increase confidence, nor do they increase voter turnout. In 1974, as we all know, the Federal Election Campaign Act was expanded to limit the amount of money that Presidential candidates could raise and spend. That is the system under which the current candidates for President operate.

So if the reformers premise that limiting speech increases turnout is true, then surely voting in American Presidential elections would have increased over the last 25 years. Let's look at the statistics.

In the 1950s and 1960s, before the passage of the Federal Election Campaign Act, the average voter turnout was consistently at 60 percent or higher.

So post-1974 must have been higher, right? After all, we passed the Federal Election Campaign Act. After all, the Congress supposedly gave us ''comprehensive reform'' for the Presidential system in 1974.

But the numbers show the emptiness of the reformers' rhetoric. The voter turnout for every Presidential election postreform has never reached 60 percent. In fact, the postreform high was 1992 when voter turnout reached 55 percent.

Even if one accepts the reformers' notion that voter turnout and voter confidence are problems in America, banning issue speech by political parties is clearly not the solution. Having less speech, less debate, and less discussion is clearly not going to have a positive impact on voter turnout, and there are simply no statistics—none whatsoever—to substantiate the claim that passing the kind of legislation which is before us today, or the kind that has been before us seemingly annually for the last 10 or 12 years, would have any impact whatsoever on reducing cynicism or raising turnout.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, we start from the most fundamental of all propositions, the first amendment to the Constitution of the United States. That amendment reads as it affects this debate, ''Congress shall make no law abridging the freedom of speech or of the press''—''no law abridging the freedom of speech or of the press.''

The Supreme Court of the United States quite properly has determined that meaningful freedom of speech requires the expenditure of money and has been loathe to accept any restrictions upon the use of money to broadcast one's ideas about political propositions in the United States.

At least several speeches that I have heard during the course of the day—most notably earlier this afternoon by the junior Senator from California—quarreled with that fundamental proposition in the first amendment. About 30 of the Members of this body a year or so ago were courageous enough to vote for a constitutional amendment that would have limited first amendment rights. They were wrong, in my view, but they were highly principled to do so. Any meaningful limitation on political speech, in the view of this Senator, will require an amendment to the Constitution of the United States.

Mr. MCCAIN. Will the Senator yield?

Mr. GORTON. I yield.

Mr. MCCAIN. Parliamentary inquiry: Will the Chair illuminate me on whose time is being used at this time and whose time is remaining so I might understand the parliamentary situation?

The PRESIDING OFFICER. The Senator from Kentucky spoke in opposition to the amendment and used 5 minutes 40 seconds.

Mr. MCCAIN. The Senator from Washington is speaking.

The PRESIDING OFFICER. The Senator from Washington is speaking on the time of the proponents.

Mr. MCCAIN. I am sorry to interrupt the Senator from Washington, but I don't quite understand.

Mr. GORTON. The Senator from Washington is speaking on the same side as the Senator from Kentucky.

The PRESIDING OFFICER. The time will be adjusted accordingly.

Mr. MCCAIN. I thank the Chair, and I thank the Senator from Washington.

Mr. GORTON. The quarrel of the general proponents of these ideas is with the Constitution of the United States and most expressly with the first amendment. The drafters of that amendment did not say that the Congress could attempt to equalize the rights of speech of each individual citizen of the United States. They simply said that political speech was open and could not be restricted in any way by the Congress of the United States.

If unlimited or, rather, if the right of some people to communicate more widely than others could be restricted, presumably we could treat as soft money the money spent by the New York Times to editorialize on this issue or that of a television network. Obviously, the editorial director of the New York Times has a stronger voice heard by more people than the average citizen. And so, of course, does a group or a corporation, for that matter, whose rights and money is at risk in debate here in Congress.

Those who feel at risk with respect to the policies that we adopt have an absolute right to speak out in that connection. It is a right that the proponents of this bill in general terms don't want to restrict. Few of them, however, have proposed constitutional amendments or limits on free speech in the arts or in literature or with respect to pornography. We are faced with the paradox in this debate that the proponents think the only kind of speech that ought to be limited is political speech, the kind of speech the first amendment drafters had in mind when they wrote the first amendment.

In a narrow phase of this bill as it appears before the Senate, the only evil organizations whose activities are to be controlled or whose contributions are to be not limited or banned of a certain kind are the two major political parties and their organizations. This bill at this time has no limitation on the contribution of soft money to other organizations that have political agendas. It cannot constitutionally limit issue advocacy. It can't even limit individual express advocacy as long as that advocacy is disclosed.

I suppose I find it most paradoxical the proposition that we base these controls on corruption or the appearance of corruption when the appearance of corruption is primarily created by those who want these limitations. Presumably, whenever they say that a particular act carries with it the appearance of corruption, that means it is the case and that the limits they propose on political speech are, therefore, valid.

That simply is not the case. Political controversy in the United States from the time of the first Congress in 1789 and the passage of the first amendment has often been disorderly; it has involved a number of outrageous charges as well as careful political thought; it has benefited those who want to put the greatest amount of time and money and effort and press into expressing their ideas. It has not been regulated by the Congress of the United States and somehow or another we have been successful.

The idea that cynicism or opting out of the political process is going to be improved by passing laws is a triumph of hope over experience. It hasn't happened in connection with any such law here or in any other State at any time in the past. We have gotten this far in the history of the United States with its most successful free government by prohibiting the control of political speech on the part of the Government of the United States. We will survive the next 200 years far better without any such prohibitions than if we grant them.

Congress shall make no law abridging the freedom of speech. That is our command. This is an attempt to cause such an abridgement.

The PRESIDING OFFICER. The Senator from Arizona

Mr. MCCAIN. Mr. President, I wish to take a minute before my colleague from Wisconsin speaks for the purpose of asking unanimous consent to have printed in the RECORD a letter from the American Bar Association and a letter from the League of Women Voters. I so ask.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN BAR ASSOCIATION,
GOVERNMENTAL AFFAIRS OFFICE,
Washington, DC, October 8, 1999.

Hon. JOHN MCCAIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR MCCAIN: As the Senate begins consideration of campaign finance reform legislation, I write on behalf of the American Bar Association to urge you to support reform that will strengthen the electoral process; reduce the influence of special interests; allow members and candidates to devote more time to substantive issues, rather than fundraising; and preserve the First Amendment rights of eligible individuals to participate in political campaigns.

The American Bar Association (ABA) has long been concerned with campaign finance and electoral issues. In 1973, the ABA created its Standing Committee on Election Law with the purpose of developing and examining ways to improve the federal electoral process. The overriding premise of these efforts has been to support candidate and citizen participation in the electoral process, and to increase public confidence through accountability and disclosure.

As you know, campaign finance laws have not been substantially revised by Congress for over twenty years. Changes in campaign finance mechanisms, the infusion of ''soft money'' into the system, the burgeoning use of electronic media, and the emergence of issue advertisements have literally transformed the ways in which campaigns are financed and run. Yet, our laws and regulations have not kept pace with the innovations in campaign activities. The statutory and regulatory framework for campaign finance regulation needs to be modified to address these changing trends in order to ensure the integrity of the campaign finance system.

The American Bar Association believes the following principles should be included as part of any campaign finance legislation:

Full Disclosure. Disclosure is a vital and necessary component to maintaining the integrity of the campaign finance system. The ABA supports full and timely disclosure of campaign contributions and expenditures in excess of minimal amounts. All contributions to and expenditures by state and federal party committees should be reported publicly and electronically. In addition, the Federal Election Commission should be required to maintain a central clearinghouse with respect to data concerning both contribution and expenditure reports.

Reasonable Contribution Limits, Adjusted and Indexed for Inflation. Campaign contributions to candidates and political parties should be limited to reasonable amounts. The current contribution limit was set in 1974, and has not been adjusted to take into account inflation, increases in the size of the electorate and the dramatic rise in campaign costs. Raising the individual contribution limit would allow candidates to spend less time fundraising and more time discussing substantive issues, help level the playing field between incumbents and challengers, and channel money currently being contributed outside the federal system (soft money) back into the regulated process. Therefore, the ABA believes that current individual campaign contribution limits should be adjusted for inflation and indexed thereafter.

Soft Money. The ABA opposes the solicitation and use in presidential and congressional campaigns of ''soft money'', i.e., contributions to political party committees in unlimited amounts by corporations, labor unions and individuals, and supports the effort to prohibit such contributions. Soft money has been used as a method by which contribution limits and prohibitions under the Federal Election Campaign Act have been successfully circumvented and has created at least the appearance, if not the reality, of corruption in the political system. This issue must be addressed in order to help restore public confidence in the electoral process.

Public Participation—Legal Permanent Residents. Campaign finance laws should not discourage the participation of individuals, political parties, and organized political groups in all aspects of the electoral process. Of particular concern are efforts to restrict the political activities of legal permanent residents. The fundamental rights of free speech and association are an integral part of this nation's democratic process and are not restricted only to citizens. Legal permanent residents, who bear most of the same civic responsibilities as citizens, including paying taxes and registering for the draft, must not be prevented from exercising their constitutional right to participate in the political process. The ABA therefore opposes any diminution of the existing rights of legal permanent residents to make campaign contributions and expenditures to the same extent as U.S. citizens.

Public Financing. The ABA supports partial public financing of congressional and presidential elections as a desirable means of providing a floor for campaign funds, promoting and ensuring an effective and competitive electoral process, and minimizing the importance of wealth and the need for large contributions.

Reforming campaign finance laws to reflect the foregoing principles will help ensure increased citizen and candidate participation and restored public confidence in the electoral process. We urge you to keep these principles in mind as the Senate debates campaign finance reform legislation.

If you would like further information, please do not hesitate to contact either me or Kristi Gaines in the ABA Governmental Affairs Office.

Sincerely,

ROBERT D. EVANS,
Director.

THE LEAGUE OF WOMEN VOTERS®
OF THE UNITED STATES,
Washington, DC, September 28, 1999.

Re Campaign finance reform.

To: Members of the U.S. Senate
From: Carolyn Jefferson-Jenkins, Ph.D., President

The League of Women Voters urges you not to support the modified version of the McCain-Feingold campaign finance reform legislation, S. 1593.

The decision to remove the ''sham issue ad'' provisions from the original bill, S. 26, means that the current system that allows large, undisclosed contributions from corporate and union treasuries and from wealthy individuals to go toward elections advertising will go unchecked. We believe that real reform legislation must address this growing problem rather than ignore it.

Proponents of the modified legislation argue that it ''bans'' soft money. This is simply not the case because sham issue ads are a form of soft money. Soft money consists of corporate and union treasury money and funds from wealthy individuals that operate outside the current regulatory regime. Sham issue ads are clearly part of this problem. Because the modified legislation fails to deal with sham issue ads, it fails to fully address the soft money crisis.

In fact, the modified bill will drive soft money into sham issue ads, expanding the current loophole. To avoid the provisions of the bill, corporations, unions and wealthy individuals can simply reconstitute their contributions into sham issue ads designed to elect or defeat candidates. In addition, because contributions to sham issue ads are undisclosed while traditional soft money contributions are disclosed, the overall system may actually be made worse by the modified bill. It will transform disclosed contributions into undisclosed campaign money.

Sham issue advocacy—campaign ads designed to elect or defeat clearly identified candidates by masquerading as issue advocacy—provides a useful conduit for those with large amounts of money to influence federal elections without leaving any fingerprints.

Unlimited, undisclosed money is overwhelming the election system. By running ads immediately preceding an election that savage a candidate's opponent, special interests can provide something of great value to the candidate they support, while avoiding disclosure requirements and contribution limits.

In addition, candidates are losing control of their own campaigns. Representative government depends on elected officials being responsible to their constituencies. Unless the sham issue ad loophole is closed, outcomes of elections will more and more be determined by the irresponsible actions of outsiders, unfettered by the need to represent the interests of the citizens of a state or district.

Even more troubling is the possibility that foreign donors will exploit sham issue advocacy to influence U.S. elections and public policy. The sham issue advocacy loophole provides a perfect—and perfectly legal—route for domestic or foreign interests to influence our elections and add a corrupting influence to public policy debates.

Given current expenditures on issue advocacy, the potential for abuse is enormous. The Annenberg Public Policy Center at the University of Pennsylvania estimates the amount of issue advocacy advertising during the 1996 election season at $150 million, over one-third of the $400 million spent on advertising by all candidates for President and Congress combined. For the 1998 election, the Annenberg Center estimates that $275 to $340 million was spent on issue ads, double what was spent in 1996.

The Annenberg studies also demonstrate that issue ads frequently bear more than a passing resemblance to campaign ads. Although issue ads ostensibly have the primary purpose of promoting a sponsor's ideas or policies, fewer than one in five ads from the 1996 campaign directly advocated the sponsor's own position! In addition, nearly nine in ten issue ads referred to a clearly identified candidate for office. Less than five percent advocated support or opposition to a piece of legislation. In the 1998 election cycle, 80 percent of issue ads in the last two months mentioned candidates for office by name.

We are strong proponents of closing the ''soft money'' loophole and for campaign finance reform generally. By excluding the provisions developed by Senators Snowe and Jeffords to ensure that funding for sham issue ads is effectively covered by election rules, the modified bill falls too short.

The League of Women Voters believes strongly that the Snowe-Jeffords Amendment, or other similar language designed to ensure that funding for ''sham issue ads'' is effectively covered by election rules, is an essential part of campaign finance reform.

Mr. MCCAIN. Mr. President, the letter is from Mr. Robert Evans, of the American Bar Association:

I write on behalf of the American Bar Association to urge you to support reform that will strengthen the electoral process; reduce the influence of special interests; allow members and candidates to devote more time to substantive issues. . . .

They support full disclosure, reasonable contribution limits, adjusted and indexed for inflation. The ABA opposes campaigns of soft money, and also public participation of legal permanent residents.

Also, the League of Women Voters, referred to earlier by the Senator from Kentucky, says that Senator MCCONNELL's statement on the floor suggested the League of Women Voters is in support of his position. On the contrary. The League's position is opposite that of Senator MCCONNELL, who in their words ''opposes any meaningful campaign finance reform.''

They support comprehensive campaign finance reform. In fairness, the League of Women Voters thinks the Senator from Wisconsin and I are now too weak in our approach.

To assume somehow that as one may have in listening to the statement of the Senator from Kentucky this morning that the League of Women Voters was in agreement with this position is not the fact as demonstrated in this letter.

Mr. REID. Will the Senator yield for a question?

Mr. MCCAIN. I am happy to yield to the Senator.

Mr. REID. Does the Senator from Arizona have an estimate, a guess, an observation of how much this Senator and my opponent spent in the last general election I was involved in in Nevada.

We spent about an equal amount of money. Does the Senator have a guess, estimate, or observation?

Mr. MCCAIN. I say to my friend from Nevada, I am from a neighboring State and I paid a lot of attention to that race. It was a very close and hard-fought race—I mean this in all due respect—in what is a relatively small State, population-wise, although dynamically growing. I think percentage-wise, it is the fastest growing State in America.

I believe—I may be wrong—it was about $10 million each.

Mr. REID. The State of Nevada had less than 2 million people at that time. The Senator is absolutely right; the two of us spent with State party soft money, plus our hard money accounts, over $20 million. That does not count the independent expenditures, and we really don't know how much they are because they are hard to track.

Mr. MCCAIN. Could I ask my friend, some of the estimates I heard on the independent campaign expenditures were as high as the $20 million spent by both you and your opponent?

Mr. REID. Probably not; I guess another $3 million.

In a small State such as Nevada, is the Senator surprised that $23 million was spent?

Mr. MCCAIN. I say to my friend from Nevada, it is a compelling argument for reform. I have a lot of friends who live in your State. In all due respect to the quality of the commercials that were run during that campaign, I heard many friends of mine who live in Nevada say they had enough, considering they were inundated—for how long? The campaign went on for a year and a half?

Mr. REID. The campaign went on for a long time. The television money was spent, of course, in a relatively short period of time.

I do not know if my colleague is aware that my opponent, John Ensign, and I talked on several occasions. Even though there was that much money spent on the campaign, we never campaigned against each other. There were all these outside interests. We never had a chance to campaign for ourselves.

So I would say if there is no other example given on the floor of the Senate regarding campaign finance reform, all you have to do is look at the relatively sparsely populated State of Nevada and there is a compelling reason we need to do something about the present campaign system in America.

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, it has only been the first day of debate on this issue. I do note a marked shift in the strategy of our opponents. They are not talking so much about how the first amendment to the United States Constitution Bill of Rights would be violated by our version of the bill, the soft money prohibition. There have been a few comments, but this has not been the main thrust.

There is a good reason for it. That is because there is not a credible case that can be made that banning soft money contributions to the political parties is unconstitutional. I think it is useful at this time to lay out a few of the reasons why this is the case, so no one can be confused by the desperate attempt that has been made to label any attempt at campaign finance reform, regardless of what its provisions might be, as unconstitutional. It has become a mantra, a standard line, but it does not hold water regarding the bill before us.

The first proposition is very straightforward and that is that Congress can prohibit corporate and labor contributions. Congress prohibited the contributions by corporations in 1907 in the Tillman Act, and then in 1947 it prohibited the same kinds of contributions by unions under the Taft-Hartley Act. The courts have recognized that corporate treasury money can amount to an undue influence or an unfair advantage. That is why in a couple of key cases the courts have so ruled.

In Massachusetts, Citizen For Life v. FEC, 1984, for example, they stated:

> Direct corporate spending on political activity raises the prospect that resources amassed in the economic marketplace may be used to provide an unfair advantage in the political marketplace. Political ''free trade'' does not necessarily require that all who participate in the political marketplace do so with exactly equal resources.
>
> Relative availability of funds is after all a rough barometer of public support. The resources in the treasury of a business corporation, however, are not an indication of popular support for the corporation's political ideas. They reflect instead [the court said] the economically motivated decisions of investors and customers. The availability of these resources may make a corporation a formidable political presence, even though the power of the corporation may be no reflection of the power of its ideas.

Then, after making that very clear with regard to the ability of restricting direct corporate contributions, the Austin case made it clear and affirmed this decision, saying:

> We therefore have recognized that ''the compelling governmental interest in preventing corruption support[s] the restriction of the influence of political war chests funneled through the corporate form.''

It is clear law, indisputable law, that Congress can prohibit corporate and labor direct contributions to candidates or to the political parties.

Furthermore, so there is no confusion because there was a lot of talk today about somehow we have to demonstrate actual corruption in each instance before we can do something about it, that is not the law with regard to our ability to limit individual contributions. The Court has been clear that we can limit individual contributions either in the case of actual corruption, the reality of corruption, or the appearance of corruption. This is the system that was validated in the most significant ruling of many decades in the area of campaign finance reform, Buckley v. Valeo, 1974. Let me put some of the language in the RECORD from that decision that supports that. The court said:

> By contrast with a limitation upon expenditures for political expression, a limitation upon the amount that any one person or group may contribute to a candidate or political committee entails only a marginal restriction upon the contributors' ability to engage in free communication. A contribution serves as a general expression of support for the candidate and his views, but [the court said, that it] does not communicate the underlying basis for the support. The quantity of communication by the contributor does not increase perceptibly with the size of his contribution, since the expression rests solely on the undifferentiated, symbolic act of contributing.

Later in the decision the court continued:

> It is unnecessary to look beyond the Act's primary purpose to limit the actuality and appearance of corruption regarding from large financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation.

The Court then said:

> To the extent large contributions are given to security political quid pro quo's from current and potential office holders, the integrity of our system of representative democracy is undermined.

That had to do with the quid pro quos. And then the Court continued:

> Of almost equal concern as the danger of actual quid pro quo arrangements is the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions.

The Buckley case makes it clear you can limit the individual contributions. The Court said:

> We find that, under the rigorous standard review established by our prior decisions, the weighty interests served by restricting the size of financial contributions to political candidates are sufficient to justify the limited effect upon First Amendment freedoms caused by the $1,000 contribution ceiling.

So these are the court cases. If you do not believe my word on it alone, I suggest one take a look at the letter we have from 126 legal scholars, constitutional scholars around the country who say specifically that it is entirely constitutional to ban soft money given to the parties.

These scholars wrote as a group in a letter:

> We believe that such restrictions are constitutional. The soft money loophole has raised the specter of corruption stemming from large contributions (and those from prohibited sources) that led Congress to enact the federal contribution limits in the first place. In Buckley v. Valeo, the Supreme Court held that the government has a compelling interest in combating the appearance and reality of corruption, an interest that justifies restricting large campaign contributions in Federal elections. . . . Significantly, the Court upheld the $25,000 annual limit on an individual's total contributions in connection with federal elections.

And so on.

Mr. President, 126 constitutional scholars have backed up this almost obvious notion we can ban the soft money given to the political parties.

I might add, since the Senator from Kentucky is fond of quoting the ACLU as one of his allies on this issue, in fact, every living former president, executive director, and legal director of the ACLU all think that it is perfectly constitutional to ban soft money.

Finally, if you do not believe any of those folks, I hope you would believe the Senator from Washington, one of the strongest opponents of our bill. Senator GORTON, on this floor, in a candid moment, said:

> In fact, with my own views on where the constitutional line is likely to be drawn, McCain-Feingold restrictions on money to political parties might well be upheld, probably would be upheld, at least in part. It is possible that they would be upheld in their entirety.

So even one of our most learned and effective opponents on this issue, Senator GORTON, has said on this floor that it is perfectly constitutional to ban soft money. That is why you are not hearing much about the constitutional problems in this bill, as you did last

year. I think some of those arguments weren't too strong, but they certainly were stronger.

This bill would pass constitutional muster quite easily. I believe there is no legitimate authority to contradict that. I believe it is important to have this in the RECORD. Perhaps this will be returned to later on, as an argument. I have noticed a strong diminution in the reliance on the constitutional argument. There are other arguments being made: That somehow this is a dagger to the heart of one party or another; the attempt to have Senator MCCAIN answer very specific questions about comments he made in his Presidential campaign. The opposition seems very diffused on this point on a number of issues, but the constitutional question is not being very effectively or seriously raised.

Mr. President, I suggest that is because there is no legitimate constitutional argument against what we are trying to do.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. All time remaining is on the side of the proponents.

Mr. MCCONNELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The time remaining is 8 minutes 41 seconds.

Mr. MCCONNELL. Mr. President, there has been a lot of talk about where the so-called constitutional scholars are on the constitutionality of this measure and its other incarnations we have had before us in the last few years.

One of the scholars cited by the proponents of this legislation, Professor Robert W. Benson of Loyola Law School, wrote an article before NAFTA was enacted called, ''Free Trade as an Extremist Ideology.'' The article, to put it mildly, is critical of the North American Free Trade Agreement.

In it, Benson states:

> Ideological extremism . . . is pushing an agenda of radical risk taking in the form of the North American Free Trade Agreement and the General Agreement on Tariffs.

He says free trade is ''a classic extremist ideology, just as, until recently, Marxism and Leninism was.''

He says the idea of free trade fits ''two criteria that characterize extremist ideologies . . . [its] adherents are oblivious to cognitive dissonance contradicting their analyses, and (2) . . . [they] are willing to plunge themselves and others into great risks in the name of ideology.''

He argued that enacting NAFTA would ''erode Democratic government in the United States.''

This is one of the so-called constitutional scholars on this lengthy list being quoted.

He also wrote an article that purported to be about legal theory entitled, ''Deconstruction's Critics, the TV Scramble Effect and the Fajita Pita Syndrome.''

Among academics, he is considered an expert on international law. He is not a constitutional law professor.

Many in favor of campaign finance reform and relying on Professor Benson's view of campaign finance reform disregarded Professor Benson's warnings about the North American Free Trade Agreement, an issue within his area of expertise. These Members, of course, include a number of the proponents of this legislation.

Another one of the constitutional scholars quoted by the other side is Professor Daan Braveman of Syracuse University College of Law. This outstanding scholar wrote an article discussing the first amendment——

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. If the Senator will suspend.

Mr. MCCONNELL. I believe I have the floor.

Mr. FEINGOLD. I understand the opponents' time is gone.

The PRESIDING OFFICER. All the time remaining is for the proponents.

Mr. FEINGOLD. I will be happy to yield time to the Senator from Kentucky.

Mr. MCCONNELL. Since I support the amendment, wouldn't that qualify me?

The PRESIDING OFFICER. If the Senator is a proponent of the amendment.

Mr. MCCONNELL. I am indeed.

Mr. FEINGOLD. Can a Senator speak as both a proponent and opponent of an amendment?

Mr. MCCONNELL. I am not aware of any opponents to this amendment.

Mr. FEINGOLD. I believe the Senator from Kentucky previously was counted, with regard to time, as an opponent in this process.

The PRESIDING OFFICER. If the Senator is a proponent——

Mr. MCCONNELL. I ask unanimous consent that I be allowed to speak for 5 minutes.

Mr. FEINGOLD. Reserving the right to object, I ask unanimous consent that our time be restored to what it was prior to the remarks of the Senator from Kentucky and that we have our full measure of time. I have no objection to his having additional time.

Mr. MCCONNELL. I don't want to delay the vote. I will be happy to make my remarks later with regard to the outstanding qualifications of a number of the constitutional scholars cited by my friend from Wisconsin. I look forward to going into some of their interesting writings. I am happy to yield the floor, and the vote will occur at 6 o'clock.

Mr. FEINGOLD. How much time remains?

The PRESIDING OFFICER. Four minutes 40 seconds.

Mr. FEINGOLD. I certainly want the Record to note I had no objection to the Senator from Kentucky speaking, as long as it did not come out of our time. In fact, I was happy to give additional time.

I want to make a comment or two about what he is talking about because he is launching, apparently, an attack on people who signed the letter, 127 constitutional scholars. Apparently there is a problem. One of the men who wrote an article about NAFTA—I do not know what it has to do with his ability to comment on this.

I am surprised to hear Senator MCCONNELL say some of this. Back when we presented this letter, he said he could easily come up with 127 scholars on his own who would say banning soft money is unconstitutional. He has not done that, and it has been a long time since that time, and I frankly doubt he ever will.

Anyone who knows anything about the law and the legal academy would agree that instead of picking individual people out of this list and attacking them personally, they would have to concede that many of the people on the list are very distinguished law professors. Professor Erwin Chemerinsky of the University of Southern California Law Center, Professor Jack Balkin of Yale Law School, Professor Frank Michelman of Harvard Law School, and Professor Norman Dorsen of NYU Law School know something about the law. In fact, they know more than just about anybody in this body.

The executive director and the legal director of the ACLU says a ban on soft money is constitutional. Of course, the ultimate arbiter, the Supreme Court, said in the Buckley case that individual contributions can be limited and, in the Austin case, that corporate contributions can be prohibited.

If Senator MCCONNELL does not believe these authorities, he should, again, consult with the Senator from Washington, Mr. GORTON, one of his strongest supporters on the floor in opposing reform, who has essentially conceded that banning party soft money would likely be found constitutional.

This notion that the Senator from Kentucky could easily come up with his list of constitutional scholars which we have never seen is a ploy that I, frankly, do not understand. Where is the list? Instead, he wants to pick apart one or two people on the list. I question that. These folks gave it their best shot and indicated what everybody concludes with any credibility on this subject, and that is that it is perfectly constitutional to ban soft money.

Mr. President, I reserve the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNETT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senate will now proceed to vote on the amendment.

Mr. DOMENICI. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to Amendment No. 2294. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Rhode Island (Mr. CHAFEE) is necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Massachusetts (Mr. KERRY) are necessarily absent.

The result was announced—yeas 77, nays 20, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—77

Abraham	Durbin	Lugar
Akaka	Edwards	Mack
Allard	Feingold	McCain
Ashcroft	Feinstein	McConnell
Baucus	Fitzgerald	Mikulski
Bayh	Frist	Moynihan
Bennett	Gorton	Murray
Biden	Graham	Reed
Bingaman	Grams	Reid
Boxer	Grassley	Robb
Breaux	Harkin	Roberts
Brownback	Hatch	Rockefeller
Bryan	Helms	Roth
Bunning	Hollings	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inouye	Schumer
Campbell	Jeffords	Sessions
Cleland	Johnson	Shelby
Conrad	Kerrey	Smith (OR)
Craig	Kohl	Specter
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Torricelli
DeWine	Leahy	Warner
Dodd	Levin	Wellstone
Domenici	Lieberman	Wyden
Dorgan	Lincoln	

NAYS—20

Bond	Hagel	Smith (NH)
Cochran	Hutchinson	Snowe
Collins	Inhofe	Stevens
Coverdell	Kyl	Thompson
Enzi	Lott	Thurmond
Gramm	Murkowski	Voinovich
Gregg	Nickles	

NOT VOTING—3

Chafee	Kennedy	Kerry

The amendment (No. 2294) was agreed to.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DEPARTMENT OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2000—CONFERENCE REPORT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to consider the conference report to accompany the VA–HUD appropriations bill, it be considered as having been read, and there be 20 minutes equally divided for debate between the two managers; I further ask unanimous consent there be an additional 5 minutes under the control of Senator MCCAIN, and 30 minutes under the control of Senator WELLSTONE, with the vote occurring on adoption at 9:15 a.m. on Friday, October 15, with paragraph 4 of rule XII being waived.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues. I yield the floor.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2684, having met have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The Senate proceeded to consider the conference report.

(The conference report is printed in the House proceedings of the RECORD of October 13, 1999.)

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I appreciate the generosity of the majority and minority leaders for allowing us to proceed on the consideration of the Senate conference report to accompany H.R. 2684.

I ask that the Chair advise me when 5 minutes have been utilized. I want to save some of my time and be able to yield to my distinguished colleague from Maryland.

This has been a very difficult bill, not unlike, as someone suggested, riding a tilt-a-whirl at the county fair. I am glad to say the ride is over. It was fun while it lasted. We are finally on solid ground with this conference report.

We have a bill that meets many priorities of the Members and I think addresses fairly a number of concerns of the administration without totally satisfying everyone.

First, my sincerest thanks to Senators STEVENS and BYRD for helping us to reach an adequate allocation. Without their help, this bill would still be a work in progress, and we would not be able to complete it.

A very special thanks once again to Senator MIKULSKI, who worked with us to find a good balance in making some very difficult funding decisions. It was a pleasure as always to have her good guidance and sound judgment.

I believe she will join me in saying a special thanks to the new Chair and ranking member in the House, Chairman WALSH, and Congressman MOLLOHAN, who were a tremendous pleasure to work with. We appreciate their assistance.

My thanks to staff on the minority side: Paul Carliner Jeannie Schroeder, and Sean Smith; on my side, a very special thanks to Jon Kamarck, Julie Dammann, Carolyn Apostolou, and Cheh Kim.

I believe the bill before the Senate is a very good bill with funds allocated to the most pressing needs we face. Total spending is $72 billion in budget authority and $82.6 billion in outlays. It is roughly the same as the President's overall request for the VA-HUD subcommittee, plus FEMA emergency funds.

Unlike the President's budget, the highest priority is the recommendation before the Senate for VA medical care, which has increased $1.7 billion above the President's request as directed by this body, and it is fully paid for in the bill. We have also included significant new funds for 60,000 incremental vouchers, additional funds above the President's request for public housing, capital and operating funds, as well as the President's request for NSF, and an additional $75 million for NASA.

All of these funding levels have been fully offset. In addition, there has been $2.5 billion in emergency FEMA funding for the victims of Hurricane Floyd, to whom our hearts go out.

As I noted, the conference agreement provides $44.3 billion for veterans funding, which includes a full $1.7 billion for medical care. This is the largest increase ever for VA medical care—clearly the highest priority of this body.

I point out that the vouchers we have provided do not create additional housing. There was discussion on this floor that we desperately need to increase the production of affordable low-income housing. In many areas, such as St. Louis in my State, housing is not available for the vouchers that are there. We have had to use budget gimmicks suggested by the administration, deferring $4.2 billion of section 8 funding for fiscal year 2000 expiring section 8 contracts until fiscal year 2001. That will create an additional $8 million funding requirement, or some $14 billion in BA needed in fiscal year 2000 if we intend to renew all expiring section 8 contracts.

To be clear, this means we will go into next year's appropriation cycle with a funding shortfall of over $8 billion. We emphasized our concern to the administration for their failure to work with Members on dealing with this funding crisis. Last year they promised to help, but the only thing we got this year was a deferral of $4.2 billion. This year, in discussions and negotiations, we reached agreement with Jack Lew, the Director of OMB, who has personally promised they will work with Members to address the funding shortfall in BA in the section 8 account. We expect Mr. Lew and the administration to live up to that commitment. Nevertheless, we cannot keep writing blank checks on an empty account. The outyear projections we have from OMB are for flat funding, which means 1.3 million families kicked out of section 8 housing.

To reiterate:

Many of us have been hearing from veterans in our state for some time about their concerns with VA's budget. They have been hearing that their local VA hospital may lose numerous employees, terminate critical services, increase waiting times for appointments, may even shut down altogether.

The additional $1.7 billion above the President will ensure none of these things happen. VA will be above to expand services and care to thousands of additional veterans. VA will be able to accommodate increased costs associated with pharmaceuticals, prosthetics, and pay raises.

At the same time, we strongly support continued improvements and reforms to the VA health care system to ensure VA medical care dollars go to health care for vets, not maintaining buildings and the status quo.

Other increases in VA's budget include VA research, the state cemetery grant program, the state nursing home construction grant program, and the Veterans Benefits Administration. These are all critical programs and very high priorities.

EPA funding totals $7.6 billion, the same as FY99 and $383 million above the President's request. Funding increase were provided for the state revolving funds—which the President had proposed cutting by $550 million. We have accommodated administration concerns in such areas as the Montreal Protocol.

We were forced to make some tough choices and eliminate or reduce lower priority, lower risk programs in order to accommodate higher priorities. The appropriation protects core EPA programs such as NPDES permitting, RCRA corrective action, and pesticides registration and re-registration.

FEMA funding totals $870 million, an increase of $44 million over FY99. This includes an increase of $10 million for the emergency food and shelter grant program, $25 million for the Project Impact grant program, $5 million in start-up funds for the flood map modernization initiative, and increases in critical programs such as anti-terrorism training. In addition, we have included $2.5 billion in emergency disaster assistance—funding which is truly needed.

We have funded the Department of Housing and Urban Development at $27.16 billion, which is some $2.5 billion over last year's level and which will allow us to put HUD on some very solid ground. Because of the priority needs for our veterans, we had to make some tough choices, and in HUD's case, that meant not funding any of HUD's 19 new programs and initiatives. Instead, we have focused on funding HUD's core programs, such as public housing, CDBG, HOME, Drug Elimination grants, and Homeless Assistance and Section 202 Housing for the elderly. These are the key housing and community development programs that make a critical difference in people's lives, and they are programs with a proven track record.

Also, we funded 60,000 new incremental vouchers. I continue to have major concerns about this program—vouchers do not produce or assist in the financing of any new housing and we desperately need to increase the production of affordable, low-income housing. In addition, in many areas of the country, including areas in my state such as St. Louis, vouchers are very difficult to use—the housing which is affordable under the voucher program is just not available. In addition, against my better judgment but because we do not have the funds in our allocation to meet the funding needs of our key programs, we have used the Administration's budget gimmick of deferring $4.2 billion of section 8 funding for fiscal year 2000 expiring contracts until fiscal year 2001. This will create an additional $8 billion funding requirement for a total of some $14 billion in BA needed in fiscal year 2001 if we intend to renew all expiring section 8 contracts—to be clear, this means we already have a funding shortfall in the VA/HUD appropriations bill for fiscal year 2001 of over $8 billion.

I want to emphasize my concern with the Administration's past failure to address this section 8 funding crisis; the Administration has created this hole and up to now has not acted responsibly in meeting these funding requirements. And I have gone to the top. In this year's negotiations on the VA/HUD appropriations bill, Jack Lew, the Director of OMB, personally has promised to address the funding shortfall in the section 8 account. I expect Mr. Lew and the Administration to live up to this commitment. Nevertheless, this is the same song and dance we heard from HUD last year when the Secretary of HUD personally promised to address section 8 costs and them responded by pushing much of the section 8 costs into FY 2001 and the outyears. Writing blank checks on an empty account is unacceptable, and under the Administration's outyear budget projections, section 8 contract renewal funding will be flat funded at $11.5 billion which means over the next 10 years some 1.3 million section families will lose their housing. This is wrong and I do not plan to sit by and let it happen.

I also want to emphasize several issues of particular importance to me. First, I introduced the ''Save My Home Act of 1999'' earlier this year to require HUD to renew expiring below-market section 8 contracts at a market rate for elderly and disabled projects and in circumstances where the housing is located in a low vacancy area, such as a rural area or high cost area.

The bill also provides new authority for section 8 enhanced or ''sticky'' vouchers to ensure that families in housing for which owners do not renew their section 8 contracts will be able to continue to live in their homes with the Federal government picking up the additional rental costs of the units. It is important to preserve this housing, and these provisions are included in the VA/HUD appropriations bill as well as other important elderly housing reforms.

With respect to NASA, the bill funds the National Aeronautics and Space Administration at $75 million above the President's request of $13.6 billion, including needed funding for the International Space Station and the Shuttle. I know NASA funding was a huge concern for many Members because of the House reductions of some $900 million.

For the National Science Foundation, the bill includes over $3.9 billion, which approximates the Administration's request. NSF's allocation is over $240 million more than last year's enacted level—about a 6 percent increase. This increase in funds continues our commitment and support for the Nation's basic research and education needs.

Some of the major highlights of this allocation include $126 million in additional funds for computer and information science and engineering activities; $60 million for the important Plant Genome Program; and $50 million for the Administration's ''Biocomplexity'' initiative.

Ms. MIKULSKI. Mr. President, I thank my colleague, Senator BOND, for working with me and producing what I think is an outstanding conference that we bring to our colleagues. We could not have done this without the help of Senator BYRD and Senator STEVENS, who got the committee over some very significant fiscal humps, and also our House colleagues who operated in a spirit of bicameral cooperation. I believe also the White House played a very constructive role in suggesting offsets to meet key national priorities. We think we come with a very good bill, and we are going to urge all of our colleagues to support it.

We got started on this bill in the spring. We got started a little bit late because of impeachment. Everyone wondered how would the Senate proceed after we had been through such a wrenching constitutional crisis. I can say in the VA-HUD subcommittee we did just fine. We moved with a quick step. I believe we probed the fiscal situations of the agencies as to what their needs were and, at the same time, how could we meet national priorities within the discipline of the thinking of a balanced budget.

I believe we do that. I believe today what we present takes care of national interests and national needs. I am confident this bill will be signed by the President. I am pleased what we were able to do it to meet our obligations to veterans. Promises made are promises kept to the people who saved Western civilization. This conference report also serves core constituencies, invests in our neighborhoods and communities, and creates opportunities for people and advances in science and technology. I believe that is an outstanding accomplishment.

I am very pleased we were able to provide a significant increase in funding for veterans' health care, $1.7 billion over the President's request, and not only providing health care as we know it but breaking new ground in creating primary care opportunities out in communities so that our rural

veterans do not have to drive hundreds of miles for their care. We have also increased the funding for VA medical research, with special emphasis on geriatric care, orthopedic research, and prostate cancer. At the same time, we are looking at new and innovative ways to begin to fund the compelling need for long-term care, increasing the funds from what we call the State Veterans Homes, Federal and State partnerships.

We are also taking care of America's working families in this bill. We fund the housing programs that help lives. We are going to have $11 billion in all section 8 housing vouchers, including 60,000 additional vouchers to enable people to have affordable, decent, and safe housing. We also maintained core HUD programs, we increased housing for the elderly by $50 million over the President's request, and increased funding so that more disabled Americans can find housing.

We didn't forget about the homeless. This will now be funded at over $1 billion. We wanted to make sure local communities have a major say in what is going to happen to them, and that of course occurs in the community development block grant which will be funded at $4.8 billion.

Whether it is improving the funding for community development financial institutions or empowerment zones, we were able to create more opportunity and yet meet taxpayer obligations.

In addition to that, we also wanted to look at where we were heading with our science and our technology. I am pleased our bill fully funds NASA and restores the severe cuts made to NASA in the House bill. This will save 2,000 jobs at Goddard Flight Center in Maryland, as well as the Wallops Flight Facility on the Eastern Shore. This legislation will fund NASA $13.6 billion. This means we will be looking at Earth science, we will be looking at how to fund the new generation of space telescopes, and at the same time we are going to upgrade the safety of the space shuttle. That means we are going to invest $25 million in the upgrading of the space shuttle while we maintain our commitment to the international space station.

We also fully fund the National Science Foundation, where I believe there will be new intellectual breakthroughs, particularly in information technology research. We also fund the National Service at $433 million, which is close to the President's request. This means that 100,000 members and participants across the country right now are engaging in community service programs at AmeriCorps, Learn and Serve America. We believe that every right has a responsibility, every opportunity has an obligation, and this is what National Service does; it rekindles the habits of the heart.

With regard to our EPA bill, this provides $7.5 billion in funding. This is $384 million over the President's request. At the same time, we declare an emergency and do $2.5 billion in emergency disaster assistance for all of the damage created by Hurricane Floyd. It is not true when they say: A billion here, a billion there, and that is the way Congress works.

We focused on how we can meet compelling human need; how, in the last appropriations of this century, we wanted to make sure we had veterans' health care for the people who, five different times, answered the call of duty to be able to uphold our national interests around the world; to make work worth it by making sure if you are out there and you are working, perhaps at the minimum wage, we are willing to subsidize housing and therefore subsidize work so we could create a true, real safety net for those affected by welfare reform.

We also know America's genius is in its science and technology. As this century closes, we know we not only planted our flag at Iwo Jima and honor our veterans who did that, but we planted our flag on the Moon, which shows the United States of America continues to be a nation of pioneers. We do not seek to conquer other nations. We seek to win wars against cancer. We seek to win the battles of the mind in which we create new ideas, where we win Nobel prizes and then go on to win new markets.

This is what the VA–HUD bill is all about. I am very pleased to bring this to the Democrats. I thank my colleague, Senator BOND, for all of his courtesies and collegiality.

I thank John Kamarck, Carolyn Apostolou, Cheh Kim, and Julie Dammann on his staff for working so close with my staff. I want to especially thank Paul Carliner, Sean Smith, and Jeannie Schroeder, and most of all I thank the Senate for all its cooperation in moving our bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I ask my colleague, Senator MCCAIN—I am actually going to take about 15 minutes at the most—if he wants to precede me?

Mr. MCCAIN. Mr. President, I yield my time.

The PRESIDING OFFICER. Then we go to Senator WELLSTONE for 30 minutes. But the Senator from Missouri reserved 5 minutes of his time.

Mr. MCCAIN. The unanimous consent agreement said I had 5 minutes. I yielded those 5 minutes.

The PRESIDING OFFICER. The Senator from Arizona has yielded his 5 minutes.

Does the Senator from Missouri yield the remainder of his time?

The Chair understands the Senator from Missouri had 10 minutes and he specifically asked to be notified when 5 minutes were up.

Mr. BOND. Do I understand the Senator from Arizona is not going to take 5 minutes? He yielded that time?

He is not speaking.

I reserve the remainder of my time and turn to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. MIKULSKI. If my colleague from Minnesota will wait 1 minute, can I seek clarification from the Senator from Arizona on one point? The Senator from Arizona, did he yield his time or did he just yield his place?

Mr. MCCAIN. I yielded my time. I do not wish to speak on the pending legislation.

Ms. MIKULSKI. I thank the Senator from Arizona.

Mr. BOND. As do I.

Ms. MIKULSKI. I thank the Senator from Minnesota for his patience.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Under the unanimous consent agreement, I have up to 30 minutes. I do not think I will need to take that time. I want to comment on the conference report. I thank the Senator from Missouri and the Senator from Maryland for their work. I am going to vote for this conference report.

Given the constraints they have been working under, and the framework they had to work within, they did a yeoman job, and I thank them.

I want to make three comments and I think I can be brief. First of all, on the veterans' health care budget, it is true; we went up by $1.7 billion above the President's request. But if you look at the last 3 or 4 or 5 years of flatline budgets, which means really the veterans' health care budget was not even keeping up with inflation, we are essentially still not very far ahead. I believe the veterans organizations, AMVETS and VFW and Paralyzed Veterans of America and Disabled American Veterans, were right in their independent budget, which called for us to bump up the President's request, which was inadequate, by $3 billion.

We had a sense-of-the-Senate vote on that, where every single Senator voted for that recommendation. I think we are going to have to do much better next year. I think this was progress. I thank my colleagues for their fine work, but it is my honest to goodness judgment this is underfunded; there are some real gaps. In particular, we have the challenge of a veterans community that is growing older. How are we going to provide the care for this community? We still have the challenge of too long a waiting list and too long a distance for people to drive.

I believe we had an amendment on the floor, with Senator JOHNSON, to go up $3 billion. I wish we had because I think there are still going to be some unmet needs. That was my first point.

The second point is one about which I feel very strongly. Senator MIKULSKI, in particular, has been very helpful. But it is the same moving picture shown over and over again, this time just on a sense-of-the-Senate amendment.

For about 5 or 6 years, I have been talking about the importance of getting some compensation for atomic

veterans. These are veterans who went to States such as Utah and Nevada. They went to ground zero. Our Government asked them to be there. Our Government never told them they were in harm's way, didn't give them any protective gear. It is horrible what has happened to them. The incidence of cancer is quite understandable. The incidence of illness and disease, not just for these veterans but for their children and even their grandchildren, is frightening. It is scary. You cannot do dose reconstruction. There is no way they can prove their case.

I cannot understand why the Senate and the House of Representatives cannot find it in its collective heart a way to provide some compensation for these veterans just as we did with Agent Orange with the Vietnam vets. We were never able to prove one way or the other the connection between Agent Orange and lung cancer. We said we are going to make this a presumptive disease. We are going to argue the presumption is this was caused by Agent Orange.

I have had amendments passed and then they have been taken out in conference committee. This time I wanted to get a good vote on a sense-of-the-Senate amendment because I could not legislate on this appropriations bill. I got 75 or 76 votes which said, at the very minimum, we would include three diseases: lung cancer, colon cancer, and tumors of the brain and the central nervous system.

There are several thousand of these veterans. They are older. They feel so betrayed. This is the classic example of our Government having lied to these veterans. I cannot understand, for the life of me, why a sense-of-the-Senate amendment that is all it was—should have been taken out in conference committee.

I thank my colleagues, Democrats and Republicans, for their support. But I want to say on the floor of the Senate, next year—I think I can get the support from Senator MIKULSKI and Senator BOND and I hope everybody here—we will be ready. One way or another, we are going to get this through. It has been 6 or 7 years. I do not think we can say to these veterans we do not have the resources; we cannot give you any compensation. If we say that, we are just going to say: We don't care what happened to you. We don't care what happened to you. We don't care what happened to you. It has been going on year after year after year. I wanted to express my outrage that we cannot do better.

I will be back next year. Hopefully, we can get better support and get this done in authorization and appropriations. It is a matter of justice. It has been a shameful history. What we have done to these people is a shameful chapter in the history of our country. I hope we in the Senate and the House can find it in our hearts to provide them with compensation. It will mean a great deal to these veterans and their families.

Finally, I thank both colleagues. I do not think they could do any better with these appropriations bills, given the context. But the other issue, because this is VA housing, is, for example, the vouchers in a State such as Minnesota. It does not help at all. We have no vacancies. The fact is, with the limits on what a family would be eligible for, right now the housing is so high that what housing is there is above what the voucher plan will cover. It just doesn't help us at all.

I thank my colleagues because they are trying to do everything they can, everything humanly possible. But I am predicting there are going to be a lot of articles over this next year about housing prices. I hope they will be front page stories because for so many families, they just cannot find any affordable housing. It is just not there. The vouchers don't help because it is not there.

I will give one example and then finish up. Sheila and I do a lot of work with women who have been victims of family violence, domestic violence. They go to shelters. That is the first courageous step, to get out of that home. It is a dangerous place.

Then they are in the shelters. Then where else do they go? There is no affordable housing. In fact, a lot of the battered women's shelters cannot even take some of the battered women because other women and children who cannot afford housing and are homeless actually call shelters and say they have been battered because they are looking for shelter.

I understand the importance of the vouchers, but in many of the communities in Minnesota and around the country, it is not going to help at all. There is no housing. It is not available, so the voucher does not help. Housing has become so high that the voucher, which covers the difference between the fair market value and 25 or 30 percent of their monthly income, will not do any good because the fair market value is above the value of what the vouchers will cover.

We have a real crisis. Both my colleagues know this. It is unbelievable how expensive housing is. The lack of affordable housing for families in our country is a huge issue and not just in the cities, but also in the suburbs and in rural areas as well.

Next year, we are going to get ourselves out of the straitjacket and the framework and make more of the investment.

Senator BOND and Senator MIKULSKI did a yeoman job. They did exceptional work. I thank them. I wanted to lay out these three points. I yield the floor.

ENVIRONMENTAL DATA MANAGEMENT

Mr. LAUTENBERG. Mr. President, Chairman BOND, in the Senate report on the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000, the committee instructs EPA to ''establish procedures to engage the public in the development, maintenance and modification of information products it offers to the public.'' It is my understanding that the committee does not necessarily intend for this process to consume the time or resources that would be involved in a rule-making.

I also understand that, in general, the committee intends that EPA's obligation to honor the public's right to know and to disseminate to the public information about issues affecting human health and the environment should be balanced against the expectations discussed in the ''Environmental Data Management'' section of the report.

Mr. BOND. The Senator is correct in his understanding.

CLARIFICATION ON STATE FUNDING BY EPA FOR THE REGIONAL HAZE RULE

Mr. BURNS. Mr. President, I rise today to engage the senior Senator from Missouri, who is also the chairman of the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Subcommittee responsible for the fiscal year 2000 appropriations bill, in a colloquy. This colloquy is to clarify the committee's position on the Environmental Protection Agency (EPA)'s funding in fiscal year 2000 to implement the regional haze rule. I have concerns about how the EPA may distribute fiscal year 2000 funding provided for this rule.

Mr. BOND. I am pleased to enter into a colloquy with the distinguished Senator from Montana, who also serves on the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies Appropriation Subcommittee. Clarifying the committee's position on how EPA should distribute fiscal year 2000 funding to the states to implement the new regional haze rule is an important matter to me.

Mr. BURNS. I understand that in the conference report to the fiscal year 2000 Departments of Veterans Affairs and Housing and Urban Development and independent agencies appropriations bill, $5,000,000 is provided to help the states and recognized regional partnerships implement the new EPA regional haze rule. Of this total, an unspecified amount will be provided directly to the Western Regional Air Partnership (WRAP) and the remaining portion will be allocated among the states and other recognized regional partnerships. My concern is, given that 10 states are part of the WRAP, EPA may distribute a major share of the $5,000,000 to the WRAP and not provide any funding to these 10 states since they are involved with the WRAP. In essence, EPA could assume that funding for the WRAP constituted funding for these 10 states. This is not what I believe this report language intended. Thus, I believe that we need to ensure that EPA understands that funding for the states includes those states working in the WRAP.

Mr. CRAIG. I join with my friend from the State of Montana in supporting this expectation that the states within the WRAP should not be precluded from any distribution of the $5,000,000 provided in this fiscal year 2000 appropriation bill. The State of Idaho has new requirements and responsibilities based upon this new regional haze rule. These new requirements require Idaho to develop new emissions data and programs which the state doesn't have now. So the State of Idaho must develop new internal capabilities to meet the new regulatory deadlines. The WRAP can assist the states in developing some of these capabilities, however, the states have their own unique roles and responsibilities beyond those of the WRAP. Thus, all states need additional funding beyond that provided to the WRAP.

Mr. BURNS. The purpose for this conference report language to directly fund the WRAP was based upon Congressional concerns with delayed funding in fiscal year 1999 to the WRAP. As of the end of fiscal year 1999, no funds from EPA had been allocated to the WRAP as had been appropriated. This delay in funding has jeopardized the program and progress of the WRAP to assist the states in addressing new regulatory requirements and deadlines of the regional haze rule. This delay also seems a bit ironic since EPA encourages states to form regional partnerships to implement this new law. Since the WRAP is faced with an October 2000 deadline to develop target levels for sulfur dioxide emissions and a contingent Market Trading Program for this new rule, direct funding in fiscal year 2000 is the most effective way to ensure the states meet this new rule.

Mr. BOND. Funds are to be allocated to the WRAP and all states in an equitable manner.

Mr. BURNS. I thank the Chairman for this clarification. I trust that the Environmental Protection Agency will follow these guidelines in developing the distribution of the $5,000,000 to the states in fiscal year 2000.

Mr. CRAIG. I thank the Chairman also for this clarification.

SECTION 425

Mr. LAUTENBERG. Chairman BOND, I understand that section 425 of the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2000 is not intended to impede federal grantees or contractors from implementing responsibilities permitted under grant agreements.

OMB Circular A–122, Cost Principles of Non-Profit Organizations, makes clear that federal funds cannot be used to lobby Congress or initiate litigation against the U.S. government unless specifically authorized by statute to do so. Similar language exists in other cost principles, as well as Federal Acquisition Regulations affecting contractors. Section 425 is intended to be consistent with these prohibitions.

When an organization endorses the terms and conditions of a grant or contract, that organization also certifies its compliance with the lobbying and litigation prohibitions in the cost principles. Section 425 makes clear that the signatory agreeing to the grant, contract, or other award is to be that of a chief executive officer (CEO) and will serve as meeting the requirements of section 425. Once a CEO (or his or her delegate) signs the grant, contract or other award, the terms and conditions become binding when an audit is conducted to verify that no funds have been used to lobby Congress or initiate litigation against the U.S. government unless specifically authorized otherwise.

Additionally, it is my understanding that the language in section 425 prohibiting the use of federal funds awarded to grantees and contractors from being used for lobbying and litigating on adjudicatory matters is consistent with current rules that restrict the use of these funds for such purposes. This section is not intended to supercede any statute that specifically authorizes the use of federal funds to compensate parties for legal expenses such as the Equal Access to Justice law that allows small businesses and others that sue federal agencies for violating the law to recover their legal expenses when the agency's action is judged to be unfounded.

Section 425 also does not change current practices where federal grantees may be representing low-income or disadvantaged tenants or other individuals, such as veterans, in adjudicatory proceedings. For example, under the Housing Counseling program, HUD reimburses federal grantees for representing tenants. This is something that Congress strongly supports and section 425 is not intended to limit or restrict such programs.

Finally, section 425 is not intended to add new restrictions on membership fees or contributions that an individual whose sole income comes from federal benefits appropriated under this bill gives to organizations that may use a portion of the fee or contribution for lobbying, representing individuals in adjudicatory proceedings, or litigating. For example, the membership fee that a veteran, who has no other source of income other than federal support through this bill, gives to a veterans service organization should not restrict the VSO from representing the veteran in a manner that is any different than current rules.

Let me restate that nothing in section 425 precludes affected entities from enforcing rights under federal law, including, but not necessarily limited to the Administrative Procedure Act and the Constitution of the United States. Its intent is limited to ensuring that current grant and contract prohibitions are followed, not to impede participation in administrative actions.

Mr. BOND. The Senator is correct in his understanding of section 425.

CLIMATE CHANGE LANGUAGE

Mr. BYRD. Mr. President, the Fiscal Year 2000 VA/HUD Conference Report (106–161) contains bill language regarding implementation of the Kyoto Protocol. This bill language is identical to bill language included in the Fiscal Year 1999 VA/HUD Conference Report (105–769). I would like to ask the distinguished Chairman and Ranking Member of the VA/HUD Subcommittee two questions to clarify their understanding of this provision.

I note that last year, the conferees carefully crafted bill and report language that clearly addressed the concern that the Administration does not implement the Kyoto Protocol through domestic regulatory action before the Senate gave its advice and consent to the Protocol. At the same time, the conferees clarified that they did not intend to jeopardize ongoing, voluntary programs. These voluntary programs have numerous benefits and are consistent with our treaty commitments under the U.N. Framework Convention on Climate Change, ratified by the U.S. in 1992.

In the Fiscal Year 2000 VA/HUD Appropriations bill (S. 1596), the Senate included bill and report language that remains consistent with last year's bill and report language. By doing so, the Senate believes that this language provides the necessary consistency and prohibits only funding for proposing or issuing federal regulatory action called for solely to implement the Kyoto Protocol. These programs have long had the support within both the public and private sectors, and thus it makes both economic and environmental sense that we take this course.

It is, therefore, my understanding that, like last year, the provision in question is not intended to restrict ongoing, voluntary programs or activities that, in their entirety, help to improve air quality standards, increase energy efficiency, develop cutting-edge technologies, and reduce global greenhouse gas emissions. Is my understanding correct?

As you also know, the Senate has clearly expressed its bipartisan view regarding the Kyoto Protocol in S. Res. 98, adopted unanimously by the Senate on July 25, 1997. That resolution calls on the Administration to achieve commitments from developing countries, especially the largest emitters, as well as protect U.S. economic interests by emphasizing market-based mechanisms and the use of energy efficient technologies. Is my understanding correct that this provision would not prohibit the Administration from working to achieve S. Res. 98?

Mr. BOND. I thank the distinguished Senator from West Virginia for his questions. Your understanding is correct. The provision is not intended to restrict ongoing, voluntary programs and initiatives such as you have described or to limit efforts to meet the conditions of S. Res. 98. Rather, it is intended to prevent the Administration

from proposing or issuing administrative rules, regulations, decrees, or orders for the sole purpose of implementation of the Kyoto Protocol prior to its consideration by the Senate.

Ms. MIKULSKI. The Senator's understanding is correct. The language is not intended to prohibit the United States from supporting ongoing, voluntary programs or activities that are consistent with our treaty commitments under the Framework Convention on Climate Change ratified in 1992, have had broad bipartisan support in both the public and private sectors, and are consistent with the objectives of S. Res. 98.

Mr. CRAIG. Mr. President, I want to express my appreciation to the chairman of the Appropriations Subcommittee on VA, HUD, and Independent Agencies for his leadership in steering this bill and its many, diverse provisions successfully through the Senate and conference.

One item is noteworthy both for its importance and its ready acceptance on both sides of the aisle and in both Houses. This is the language prohibiting EPA from spending funds to implement the Kyoto Protocol on global climate change, prior to ratification and Senate consent. The bill language on this subject is the same as last year's reiterating a strong congressional position.

Also important is this year's Senate report language requiring greater accountability in the Administration's climate change proposals and initiatives. This language renews and reiterates directives in the managers' statement in last year's conference report. It also expresses disappointment in the late filing, earlier this year, of agency reports explaining the administration's programs, objectives, and performance measures.

I would ask the Chairman if it is fair to say the committee's intent is to put the administration on notice that we fully expect such reports to be included, on a timely basis, as part of the President's fiscal year 2001 budget submission next year?

Mr. BOND. The Senator's understanding is correct. The clear intent of this year's Senate report is to carry last year's directives forward for another year. If Congress, and the authorizing and appropriations committees, in particular, are to make a full and fair assessment of the Administration's programs and proposals, then submission of agency climate change reports with the President's FY 2001 budget is both necessary and expected.

EDI SPECIAL PURPOSE GRANTS

Ms. MIKULSKI. Mr. President, I would like to engage in a colloquy with the distinguished chairman of the VA-HUD Appropriations Subcommittee.

Mr. President, regrettably, the FY2000 conference report contains a typographical error that was made during the final drafting of this conference report. Contrary to the intent of the managers and conferees, a $1,000,000 earmark for the New Jersey Community Development Corporation's Transportation Opportunity Center and a $750,000 earmark for South Dakota State University's performing arts center were accidently deleted from the list of EDI Special Purpose Grants due to a computer malfunction.

Unfortunately, we are not able to amend this conference report at this point, but I wanted to ask the distinguished chairman, Senator BOND, if he will work with me, Senator BYRD, and Senator STEVENS to ensure that these typographical errors are corrected in another appropriations bill before this session of Congress ends?

Mr. BOND. Absolutely. First, I totally agree with distinguished ranking member of the VA–HUD subcommittee's account of how this typographical error transpired. Second, I agree that this error is typographical in nature and contrary to the intent of the conferees. Finally, I will work with Senators MIKULSKI, BYRD, and STEVENS to ensure that this typographical error will be corrected in another appropriations measure before this session of Congress ends.

Ms. MIKULSKI. I thank the distinguished Chairman.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from Minnesota for his comments on the lack of available housing. We have been talking about the lack of available housing. Over the years prior to the time my ranking member and I were leading this committee, we stopped issuing long-term, 15-year section 8 vouchers. Those long-term vouchers were sufficient to generate new housing. The 1-year vouchers we now issue generally under the section 8 program do not create any new housing.

As I said in my opening remarks, half the vouchers issued in St. Louis County have already been used. We have programs such as the HOME program, the CDBG program, the section 202 elderly, the section 811, disabled, the hop-up program and HOPE VI programs which do provide housing.

We also provided additional assistance to maintain the public housing stock that is in danger of falling into disuse and becoming HOPE VI housing. That having been said, part of our discussions with the administration and with the authorizing committee will be the need to look at how we are going to assure there is adequate housing stock. This is a question not just in the appropriations process where we are putting in money where we can to create new housing; it is something we have to work on with the Finance Committee to make sure low-income housing credits exist.

This is a problem that simply adding some incremental section 8 vouchers is not going to solve; that and the budget authority problem for section 8 we will have to deal with next year.

The Senator also laid out a good argument for authorizing the committee to consider expanding veterans' benefits and programs. Again, we are happy to work with the authorizing committee when it gets beyond the appropriations measures and attempts to improve the programs in addition to just funding them.

Again, my very special thanks to the distinguished Senator from Maryland whose guidance, and not just assistance, but guidance and good humor, made this ride on the tilt-a-whirl an enjoyable one, even though somewhat too exciting at times. I thank her. Her help and her persuasion, and that of the administration, helped us achieve passage of this bill.

I reiterate my thanks particularly to Paul Carliner on that side and the great John Kamarck on our side, as well as the other staffers.

I yield the floor and yield back my time.

Ms. MIKULSKI. Mr. President, I, too, thank Senator BOND and his staff, as well as my own. At times, the atmosphere in this institution can be quite prickly and quite partisan. If only we would focus on the national interests the way we have in this bill. Through good will, good offsets, and focusing on national priorities we were able to move this legislation through.

I believe Senator BOND is a leader. This legislation would not have moved forward had it not been for his willingness to engage in a dialog with the White House on what their priorities were, insisting, of course, on the Senate's prerogatives.

Again, I thank him, and I yield the floor.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DEATH OF AMBASSADOR E. WILLIAM CROTTY

Mr. DASCHLE. Mr. President, I take this opportunity to express my regret at the loss of Ambassador E. William Crotty, U.S. Ambassador to Barbados. Bill assumed his position as ambassador in November 1998, so he had only begun his fine work representing the United States in Barbados and six other eastern Caribbean island nations. I am confident, however, that his contributions in service to his country would have continued and multiplied.

I had the great fortune of knowing Bill over the years, and I saw firsthand his deep affection for his family and friends, and his fine work for his community, his party and his country. I am very sorry he will no longer be with us, and I send my condolences to his wife, Valerie, seven children and 14 grandchildren.

Bill Crotty was an American success story. He was born in a small town during the Great Depression to a loving family. This set of experiences instilled in him a work ethic and a love of family and community that guided his life. Bill graduated from college and law school, succeeded in the business world and spent years giving back to his community and country.

I would like to take a moment to cite some examples of Bill Crotty's work in his community that demonstrate the value of his contributions. He was chair of the Capital Fund Drive for Bethune-Cookman College. He was a member of the Board of Counselors of Bethune-Cookman College. He was chair of the membership drive for the Volusia County Society for Mentally Retarded Children. He was a member of the Board of Directors of the United Fund of Volusia County and of the Richard Moore Community Center, Inc. He was a charter member of W.O.R.C., an organization dedicated to the rehabilitation of the disabled.

I could cite more examples, but these help provide a flavor of the kind of person Bill Crotty was. I feel privileged to have known him over the years. As a husband, father and grandfather, as a friend and as a public servant, Bill Crotty will be sorely missed.

Mr. GRAHAM. Mr. President, I rise to offer a tribute to a great Floridian and a great American: Mr. E. William ''Bill'' Crotty of Florida, the United States Ambassador to Barbados and the Eastern Caribbean.

Bill Crotty died Sunday, October 10, 1999, at Shands Teaching Hospital in Gainesville, Florida. Funeral mass and burial will take place today in Bill's hometown of Daytona Beach, Florida.

Among Bill Crotty's many friends in this world, some of his closest friends are members of this body. On behalf of them and the United States Senate, we offer our heart-felt sympathy to Bill's wife, Valerie, and to his large and loving family.

During his rich and full life, Bill Crotty was many things: a five-sport athlete, lawyer, proud parent of seven children, successful businessman, Irish story-teller and political and civic activist. Above all, Bill Crotty was an ambassador. His smile, his laugh, his easy manner and his sense of humor were lifelong gifts to the countless individuals he encountered during his 68 years on this earth.

Bill Crotty was an ambassador for his alma mater—Dartmouth College in his native New England. He was an ambassador for his adopted home of Daytona Beach, and its Bethune-Cookman College and International Speedway. The local Chamber of Commerce declared him Citizen of the Year in 1992.

Late in life, Bill Crotty was officially certified as an ambassador. Last year, after Senate confirmation, he reported to our embassy in Barbados. He and Valerie have done an outstanding job representing the people of the United States in this important neighboring region. One of their efforts has been to help restore the historic home in Barbados where young George Washington once lived with his older brother.

Like me, Bill Crotty was born during the Great Depression. Demographers note that America's birth rate declined during the Depression, prompting some social commentators to remark that the parents of those born during this troubled era were passionate or crazy or both.

Bill was born with few material possessions. His strong family, his sharp mind, and agile body propelled him to top educational institutions and success in life.

Most importantly, Bill Crotty was my friend. I fondly recall repeat visits to his home in Daytona Beach, and his tradition of preparing bountiful breakfasts to start the day. In addition to his cooking skills, Bill was rightfully proud of his agility on the tennis court.

Mr. President, we mourn the loss of our friend, Ambassador Crotty, while recognizing and celebrating his many achievements in Daytona Beach, in Florida, in America, and throughout our hemisphere.

HISPANIC HERITAGE MONTH 1999

Mr. DOMENICI. Mr. President, as I attend dinners and events to celebrate Hispanic Heritage Month, I have been impressed with the energy that the Latino people are adding to our nation. They are having an impact in the work place, the market place, in politics and in our culture. Hispanics will surpass blacks as our nation's largest minority by the year 2005.

For my colleagues who do not understand my own link to the Hispanic people, I would like to remind you, I grew up in an immigrant household. My father spoke and wrote Italian. He was fluent in Spanish and English, but did not write English. His customers and employees were Hispanics, mainly in the Albuquerque area. He spoke Spanish at home and at work.

In the downtown area of Albuquerque, where I grew up, my Hispanic friends spent hours at our family home, and I spent hours in their homes. Personally I understand more Spanish than I speak, despite all the credit I get for being Spanish-speaking. My wife and I are enchanted by the Spanish masses in New Mexico. The guitars and singing add a beautiful and clearly Hispanic dimension to a worship service.

In my twenty-six years as a Senator from New Mexico, I have only grown in my appreciation for the Spanish influence in my home state. Although New Mexico is surpassed in absolute numbers of Hispanics by states like California, Texas, Illinois, New York, and Florida, no other state has a higher percentage of Hispanic people than New Mexico. Forty percent, or about 680,000 New Mexicans are of Hispanic origin.

Because of our unique history, Hispanics in New Mexico are influential in all areas of life. There are well educated Hispanics in our national laboratories, our universities, in the legal and medical professions, and in virtually every business, including ranching and farming. Spanish architecture and culture add a significant depth to life in New Mexico.

It is clear to me that Hispanics in every state, not just New Mexico, want to be part of the American mainstream. They want to get ahead and succeed. Hispanics want to own businesses and buy their own homes, and they want their children to get a good education. Recent national surveys confirm that Hispanics want what most Americans want. They want the American Dream. They want to earn good money, buy their own homes, drive nice cars, send their children to safe schools, provide for a college education for their children, and invest in the future.

The great majority of Hispanics are working class Americans who work hard. For most Hispanics, the American dream is a reality or approaching reality. About one in four Hispanics remains in poverty, twice the national poverty rate. Recent studies show slight declines in the Latino poverty rates. This is good news, but it could be better, as I will discuss soon.

Latinos are forming their own businesses at the highest rates in the nation. The United States Small Business Administration (SBA) reports that the 1.4 million Latino businesses in 1997 represent a 232 percent increase over 1987.

Two years later, in 1999, there are more than 1.5 million Latino businesses in the United States, with projections for reaching 3 million businesses by the year 2010. Hispanics were a major force in the California economic recovery, where it is now estimated that 400,000 Latino businesses are established and growing. The most common name of home buyers in Los Angeles is Garcia, followed by Gonzales, Rodriguez, Hernandez, Lopez, and more Spanish names. Los Angeles has 6 million Latinos, more than the total population of most states.

In 1997, national Hispanic business receipts were estimated at $184 billion or 417 percent higher than 1987, and employment in these businesses was up 464 percent over 1987.

The first Hispanic business in America exceeded one billion dollars in annual revenues this year. This important milestone was accomplished by MasTec Inc of Miami, a large construction firm headed by Jorge Mas Jr. whose father was a Cuban exile leader.

As a Time magazine article about Hispanics concluded a few years ago, ''Hispanics are coming and they come bearing gifts.'' In July, of this year Adweek observed in a paraphrase of the Time comment, ''Hispanics are here and they come bearing profits.''

Besides becoming home owners as fast as they can and starting businesses faster than any other ethnic group, Hispanic consumers are also a growing market force.

The impact of Latinos in our domestic and international markets is huge. Alert executives have welcomed these new markets and profits by serving the needs of Latino consumers right here in the United States. Adweek recently made this observation about this growing market force, ''Many of the top American companies are already courting the market intelligently and aggressively. Procter & Gamble, Sears & Roebuck, Western Union, Colgate-Palmolive, McDonalds, Allstate and many more are already profiting from the Hispanic market. It's because Hispanics are smart consumers who are loyal to the brands that serve them best and to manufacturers who ask for the order.''

Recent headlines report the impact of Latino activities on the mainstream culture. Major magazines this year have has such headlines such as: ''Young Hispanics Are Changing America'' and ''Latino Power Brokers are Making America Sizzle.''

This month, the Albuquerque Tribune had a story with the headline, ''Hispanic Influence, Power on the Rise.'' Sammy Sosa's home runs are featured in sports headlines, and Ricky Martin and ''La Vida Loca'' win Grammy awards while Latin music is a $12.2 billion industry.

There are other major indicators of the growing Hispanic or ''Latino'' influence in our markets, our labor force, and in our schools. Some of these indicators are:

—31 million Hispanics now live in America. This is nine million more than the 22.2 million Hispanics reported in the 1990 census.

—Latinos account for over 11% of our national population—one in nine Americans is Latino. It is predicted that one in four Americans will be Latino by the year 2050.

—Hispanic buying power in America has increased 65% since 1990 to almost $350 billion today, more than the entire GNP of Mexico.

—4.3 million Hispanics voted in 1996 and 5.5 million are expected to vote in the year 2000 elections. Over 12 million Latinos are eligible to vote.

—Spanish-speaking America is already the world's fifth largest Hispanic nation. In ten years, only Mexico will have a larger Hispanic population.

—Spanish-speaking America is already the world's fifth largest Hispanic nation. There are 400 million Hispanics in the western hemisphere.

—There are proportionally more Medal of Honor winners among Hispanics than any other ethnic group in America.

It is no wonder that George W. Bush and Al Gore are speaking their best Spanish to Latino audiences. Some are even asking, ''Who is assimilating whom?

Some say we need ''English Only'' as a protection from the growing numbers of Spanish speakers. I say we need to apply ''English Plus'' other languages like Spanish. Our nation will be better prepared for the future by adding Spanish, Italian, German, Japanese, and other languages to our national strengths. I will oppose movements like ''English Only'' that are so brazenly aimed at Hispanics and Hispanic culture. ''English Plus'' is a much more healthy approach to our economic and cultural future.

Hispanics are proud to remind us that they are represented among Medal of Honor winners more than any other ethnic group in our country. Names like Lopez, Jimenez, Martinez, Rodriguez, Valdez, Gonzales, and Gomez are among the recipients of our nation's highest military honor. Many are New Mexico Hispanics who were over-represented in the infamous Bataan Death March of World War II.

Having surveyed the major indicators of Hispanic growth and economic potential over the past decade and the important prospects for further growth and influence, I must now stress to my colleagues that Hispanic people in America today still face two major obstacles that I see.

First, capital is the key to growing business in our great country, and Hispanics do not have sufficient access to capital that their numbers and ideas might indicate. Second, and even more important for our future, the drop-out rate of Hispanics is unacceptably high. Let me elaborate.

As Hector D. Cantu observed in his Hispanic Business Column (July 1, 1999) for Knight Ridder News, ''Put Latino entrepreneurs in any room and they soon start talking about capital. Or rather, the lack of it. So many business plans, they might say, and so few banks willing to lend them money.''

The Federal Reserve Bank of Chicago, in a June 22, 1999, study of small business finance in two Chicago minority neighborhoods, found that ''Black and Hispanic owners start their businesses with less funding than owners in the other ethnic groups. Black and Hispanic owners also depend on personal savings for a higher proportion of their start-up funding and are more likely to use personal savings as their only source of start-up funding.''

This study also noted that with the following baseline characteristics: ''eating/drinking place, high school education, proficient in English, no previous experience as an owner, aged 37 years, male, and business started 12 years ago,'' ''A White owner . . . starts with 167 percent more funding ($54,564) than a comparable Hispanic ($20,414); and Asian owner starts with 32 percent more ($26,921); and an owner in the Other category starts with 49 percent more ($30,479).'' A Black owner in this study started with ''an estimated 46 percent smaller pool of funds ($11,104) than a comparable Hispanic.''

To help remedy situations like this all around the country, the U.S. Small Business Administration (SBA) gave us some good news last month about business loans to Hispanics throughout the nation. They reported that SBA-backed loans (bank loans guaranteed by SBA) have more than doubled from $286 million in FY 1992 to about $635 million in FY 1999. This represents more than 21,000 loans worth about $3.7 billion in loans to Hispanic-owned businesses in this seven year period.

Even with these impressive improvements in SBA participation and growth rates of 232% in Hispanic-owned businesses in the last decade, Hispanics still own only about 5 percent of the businesses in the United States.

As Hispanic influence is felt in our markets, I will encourage continued SBA support for improving bank lending. I would like to note for my colleagues that, on the private sector side of the ledger, Merrill Lynch is reportedly seeking more Hispanic mortgage lending, economic empowerment initiatives, and small business lending.

Merrill Lynch has launched a $77 million pilot called the Southern California Partnership for Economic Achievement. In his article about this on April 8, 1999, Hector D. Cantu (Knight Ridder) noted that a vice president of Merrill Lynch in California made this observation about his company: ''The history of Merrill Lynch has been a company that has prided itself on being one step ahead of the competition and positioning itself where great wealth is being created.'' He noted that after World War II, ''We saw great wealth being created in the suburbs. In the 1980s, we saw worldwide economic explosions. We went to Japan and Europe to be positioned globally as we saw capitalism breaking out.''

''To this list, Merrill Lynch is now adding the U.S. Hispanic market.'' ''It's not a trend that started last year. It's something that has been decades in the making. We see it reaching critical mass in very specific ways. In small business creation. In home ownership. In pure demographics.''

With this kind of economic future and solid demographics to back the Hispanic markets, there is still a disturbing weakness in the underbelly of these numbers and hopes.

As many have noted during Hispanic Heritage Month, education is key to Hispanic success in America. I feel that the break-down in our public education system affects minorities and Hispanics more than others.

Federal programs that reach our public schools and universities account for about 7 percent of all their resources. A disproportionate share of these federal resources reaches minority students in such programs as Title I of the Elementary and Secondary Education Act (ESEA). Yet, the effectiveness of this federal investment is still questionable for many reasons, mainly significant and continuing lags in educational attainment and drop outs. Clearly, these are related.

Bilingual education is most often funded with federal support, even though two-thirds of Spanish-speaking Latinos in our country are educated in English only classrooms. The federally funded TRIO programs help to identify and tutor minority students bound for college, and federally subsidized student loans help to keep students in college.

In an era when we face competition from countries all around the world like Mexico and China, we need to do all we can to keep our national competitive advantage, especially in the scientific and technical fields. There is no question that the required formal education is now higher for these fields, and it is disheartening to see so many Latinos dropping out of high school.

I will personally be looking more closely at successful programs like ''Cada Cabeza Es Un Mundo'' (''Each Mind Is A World'') in California and Aspectos Culturales (Cultural Aspects) of Santa Fe, New Mexico. As we debate ESEA reauthorization, I will encourage more locally based efforts to include parents and other role models to participate in improving the educational environment for all students, especially those most likely to drop out.

Dropout rates among newer Latino immigrants are the highest among all ethnic groups with the exception of American Indians, who make up less than one percent of our population. Current reports by the Congressional Research Service (CRS) place the drop-out rate for Hispanics who are born outside the U.S. at 38.6%.

For first generation Hispanics the drop-out rate is 15.4%. For Hispanics beyond the first generation in America, the drop-out rate is slightly higher at 17.7%. Overall, including foreign born Latinos, the Hispanic drop-out rate is 25.3% compared to 7.6% for whites and 13.4% for blacks.

We cannot tolerate drop-out rates like these.

As our economy demands higher education, and jobs are not being filled for lack of education or experience, the critical value of achievement in education becomes an issue for all of us in the Congress to note. The Hispanic Association of Colleges and Universities (HACU) released an important report documenting the strong link between education and employment for Hispanics. It is entitled, ''Education=Success: Empowering Hispanic Youth and Adults.''

We have federal programs that address virtually every aspect of education, from Headstart to advanced degrees in science. Yet too many Latinos are being left behind at a time when we pride ourselves in an economy that is surging ahead. We need to make our great American advancements in mathematics, science, and engineering more available to all striving students, especially Latino students who drop out more often than most students.

Bill Gates recognized this problem. He recently announced his recent billion dollar donation to minority education, much of which will go to Latino children. He saw the importance of reaching and inspiring Latinos, Blacks, and other minorities to attain higher degrees in science and mathematics. He put his foundation money behind this idea.

It is time to refocus and re-energize our federal efforts to help Latinos and others in need of educational assistance. This is not a time to see more and more Latinos falling behind in school just when more formal education is essential to job market participation.

When we celebrate National Hispanic Heritage Month in the year 2000, I hope to be able to report more progress in private lending to Hispanic businesses and better federal support for Hispanic education. Now that Hispanic Americans have become a new economic, cultural, and political force among us, we need to recommit our efforts to see that our financial institutions treat them fairly and that Hispanics are suitably educated for a future we will all live and prosper in together.

Mrs. FEINSTEIN. Mr. President, I rise to pay tribute to the Hispanic community. As we commemorate Hispanic Heritage Month, I want to recognize the contributions made by millions of Latinos in our nation. California is truly a multi-cultural state and I am honored to help represent this community in the United States Senate.

This month we celebrate a community that shares the common goals of other Americans of freedom, opportunity and a chance to build a better life. In pursuing these aspirations, they have made important contributions to life in the United States in the fields of business, politics, science, culture, sports, and entertainment. Latinos have served in the armed services with bravery and courage and many have made the ultimate sacrifice in giving their lives for the common good of our country.

Today, I honor these brave Americans and their families. I also honor Latino heroes and heroines like the late Julia de Burgos, Arturo Alphonso Schomburg, Roberto Clemente, and Cesar Chavez. These teachers, advocates, athletes, and activists have brought pride to their community, enriched our country, and provided role models for all of us to emulate.

Indeed, Latinos are changing the way America looks at itself. Today there are 31 million Hispanics in the U.S. By 2050, the population is projected to hit 96 million—an increase of more than 200 percent. Latinos are making their mark, Sammy Sosa leading the great American home-run derby. Ricky Martin, Jennifer Lopez, and Carlos Santana topping the pop music charts. Salma Hayek, Jimmy Smits, Andy Garcia, Edward James Olmos, and Rita Moreno are making great contributions to the entertainment industry.

I commend the Latino community for its courage and persistence and want to warmly acknowledge the contributions and vitality this community brings to our nation. I thank the leaders of this community for leading by example and for promoting a national policy agenda which highlights basic human necessities that should be the right of every American.

Between 1984 and 1998, Latino voting jumped nationwide in midterm elections by 27 percent, even as overall voter turnout declined by 13 percent. In my own state of California, Latinos are participating and contributing to civic life. For the first time in the California State Legislature's history, two of its three highest offices are occupied by Latinos, Lt. Governor Cruz Bustamante and Speaker of the Assembly Antonio Villaraigosa.

A democratic and prosperous society should not step back from a national commitment to provide assistance to those who strive to achieve the American dream, despite the odds. In particular, I want to emphasize the importance of a quality education for the success of Latino children. Our Latino young people are a great source of strength and hope for the future of this nation and they should be able to participate fully in the American experience.

I am proud to honor California's Hispanic community and to have the opportunity to ensure that Latino contributions and sacrifices do not go unnoticed.

COMPREHENSIVE NUCLEAR TEST BAN TREATY

Mr. CLELAND. Mr. President, there are many important Constitutional responsibilities of United States Senators, but none is more important than providing ''Advice and Consent'' for treaties with other nations. And among treaties, those involving control of nuclear arms, which continue to be the only instruments capable of threatening the physical survival of the United States, must top the list of our concerns.

Since the landmark Limited Test Ban Treaty of 1963, every American president, no matter his party affiliation, has recognized the value of responsible and verifiable arms control agreements in making the arms race less dangerous and the American people more secure. And each time an American president has entered into negotiations, concluded a treaty and then sought ratification by the United States Senate, the debate in the Senate and in the country has been remarkably similar. For example, when President Kennedy announced the signing of the Limited Test Ban Treaty on July 16, 1963, he responded to the concerns and criticisms then being directed at that proposed first step in the effort to control nuclear weapons:

Secret violations are possible and secret preparations for a sudden withdrawal are

possible, and thus our own vigilance and strength must be maintained, as we remain ready to withdraw and to resume all forms of testing if we must. But it would be a mistake to assume that this treaty will be quickly broken. The gains of illegal testing are obviously slight compared to their cost and the hazard of discovery, and the nations which have initialed and will sign this treaty prefer it, in my judgment, to unrestricted testing as a matter of their own self-interest. For these nations, too, and all nations have a stake in limiting the arms race, in holding the spread of nuclear weapons and in breathing air that is not radioactive. While it may be theoretically possible to demonstrate the risks inherent in any treaty—and such risks in this treaty are small—the far greater risks to our security are the risks of unrestricted testing, the risk of a nuclear arms race, the risk of new nuclear powers, nuclear pollution and nuclear war.

Now, thirty-six years later, the United States Senate is being asked to give its advice and consent on the Comprehensive Test Ban Treaty, a goal first formulated in the Eisenhower Administration. The Treaty itself was approved by the United Nations General Assembly in September of 1996 by a vote of 158 to 3, and signed by President Clinton later that same month. As of today, 153 nations have signed the treaty, with 47 of those formally ratifying it.

Today, in spite of the long history of the treaty's development, in spite of the fact that we now have over a third of a century of experience in negotiating, implementing and monitoring arms control agreements, in spite of the long list of current and former military leaders have endorsed the treaty and in spite of the treaty's widespread support among the American people and other nations, we still confront the same doubts and fears that President Kennedy sought to address so long ago.

While I have heard legitimate concerns voiced about certain aspects of the treaty, I reject the notion that the test this proposal must pass is one of perfection. Rather, in this world of imperfect men and women and laws, the test must be a less absolute one—Will the people of the United States, on balance, be better off if this treaty enters into force than if it doesn't? In other words, is it an acceptable risk, realizing that no possible course is risk free?

In my opinion, this agreement appears to be very much in the best interests of the United States and its ratification will inhibit nuclear proliferation, enhance our ability to monitor and verify suspicious activities by other nations, assure the sufficiency of our existing nuclear deterrent, and inhibit a renewal of the nuclear arms race.

Speaking on behalf of the unanimous view of the Joint Chiefs of Staff, General Henry Shelton, Chairman of the Joint Chiefs, told us on the Senate Armed Services Committee last week that:

The Joint Chiefs support ratification of the CTBT with a safeguards package. This treaty provides one means of dealing with a very serious security challenge, and that is nuclear proliferation. The CTBT will help limit the development of more advanced and destructive weapons and inhibit the ability of more countries to acquire nuclear weapons. In short, the world will be a safer place with the Treaty than without it, and it is in our national security interests to ratify the CTBT Treaty.

In other words, what the Joint Chiefs are telling us is that the fewer fingers on the nuclear trigger, the better.

As reported in an October 8, 1999 New York Times article about a recent conference organized by the United Nations on the CTBT:

Several delegates seemed mystified that hawkish Republicans oppose the treaty. It was negotiated by a Republican president, and polls show that 82 percent of Americans support it. It would freeze the arms race while the United States enjoys a huge lead. And instead of paying 100 percent of the cost of the world's second-most-sophisticated nuclear-test detection system (the current American one), they said, the United States would pay only 25 percent for the world's most sophisticated one, with sensors deep inside Russia, China, Iran and other nations where the United States is not normally encouraged to gather data.

Most of this debate has centered on questions like these, related to the risks of ratifying the treaty, and has been concerned about the verifiability of the proposal, and its impact on the credibility of the U.S. nuclear deterrent. These are indeed important questions, and I stand with the large majority of the American people, of our military leadership, and of our allies in concluding that, on balance, the CTBT is a net plus for our security.

But when weighing the risks involved in the Senate's action on this treaty, we must also examine the risks involved in rejecting the treaty. The leaders of three of our major allies who have already ratified the CTBT, Great Britain, France and Germany—who also represent two of the world's seven recognized countries which have successfully tested nuclear weapons—recently sent an unprecedented joint communication to the United States Senate which concluded:

Rejection of the treaty in the Senate would remove the pressure from other states still hesitating about whether to ratify it. Rejection would give great encouragement to proliferators. Rejection would also expose a fundamental divergence within NATO. The United States and its allies have worked side by side for a Comprehensive Test Ban Treaty since the days of President Eisenhower. This goal is now within our grasp. Our security is involved, as well as America's. For the security of the world we will leave to our children, we urge the United States Senate to ratify the treaty.

The consensus assessment of what will happen if the Senate rejects the treaty is that none of the other nuclear powers—Russia, China, India and Pakistan—will ratify the agreement while all are likely to do so if we ratify.

In May of 1998, in an irresponsible show of strength, both India and Pakistan detonated nuclear devices to demonstrate to the world, but, more importantly each other, their formal initiation in the ranks of nuclear powers. Yesterday's disturbing news that the democratically elected government of Pakistan had fallen victim to a military coup stresses just how important the CTBT is to both the subcontinent and to global security. These events coupled with the recent elections in India which returned Prime Minister Vajpayee's Bharatiya Janata Party (BJP)—the party which chose to ignite the nuclear arms race on the subcontinent—further underscore the need for sensibility when it comes to testing nuclear weapons. Both India and Pakistan have indicated their unwillingness to consider ending their nuclear arms race and sign the CTBT only if the United States has ratified the treaty. The national security of the United States and, in fact, the security of everyone on the planet, will be enhanced when countries such as India and Pakistan decide to stop testing nuclear weapons.

The United States stands today as the unchallenged military superpower, with by far the largest, most reliable and most versatile nuclear arsenal, as well as the strongest conventional arsenal. Indeed, the trends of the last decade, where the demise of the Soviet Union has led to an ongoing and inexorable decline in the capacity of what had been the only comparable strategic nuclear force and a continuing ''technology and investment gap'' has led to a circumstance where our conventional forces are vastly more capable than those of even our closest allies as evidenced by the recent war against Serbia, have placed us in the strongest relative military posture we have perhaps ever experienced as a Nation. As such, we are certainly more secure than when John F. Kennedy sought ratification of the Limited Test Ban Treaty in 1963, more secure than when Ronald Reagan sought approval of the Intermediate Nuclear Forces Treaty in 1988, and more secure than when President Bush submitted the START I Treaty for Senate ratification in 1992.

While no course of human action is ever risk free, of all nations in the world, we have the most to gain from slowing the development of more capable weapons by others and the spread of nuclear weapons to additional countries, even if we cannot expect to prevent such developments altogether. In addition, the Treaty cannot enter into force unless and until all 44 nuclear-capable states, including China, India, Iran, North Korea and Pakistan, have ratified it. Should any one of these nations refuse to accept the treaty and its conditions all bets are off. Finally, even if all of the required countries ratify, we will still have the right to unilaterally withdraw from the treaty if we determine that our supreme national interests have been jeopardized.

After debating concerns about verification and the impact on our nuclear arsenal on September 22, 1963, the United States Senate, on a bipartisan

basis ratified the Limited Test Ban Treaty by a vote of 80 to 19. On October 7th of that year, President Kennedy signed the instruments of ratification in the Treaty Room at the White House. He said:

> In its first two decades, the Age of Nuclear Energy has been full of fear, yet never empty of hope. Today the fear is a little less and the hope a little greater. For the first time we have been able to reach an agreement which can limit the dangers of this age. The agreement itself is limited, but its message of hope has been heard and understood not only by the peoples of the three original nations but by the peoples and governments of the hundred other countries that have signed * * * What the future will bring, no one of us can know. This first fruit of hope may not be followed by larger harvests. Even this limited treaty, great as it is with promise, can survive only if it has from others the determined support in letter and in spirit which I hereby pledge on behalf of the United States. If this treaty fails, and it need not fail, we shall not regret that we have made this clear and national commitment to the cause of man's survival. For under this treaty we can and must still keep our vigil in defense of freedom.

Mr. ABRAHAM. Mr. President, I oppose the Comprehensive Test Ban Treaty, (CTBT). I do so because this accord is, in my view, fatally flawed. While I share the almost universal goal of nuclear nonproliferation, it seems clear to me that this Treaty, as written, will weaken America's national security. I have been strongly influenced in my examination of this issue by the fact that this treaty is opposed by 6 past Secretaries of Defense, 2 past Chairmen of the Joint Chiefs of Staff, 5 past Directors of the Central Intelligence Agency, Former Secretary of State Henry Kissinger, former National Security Advisor Brent Scowcroft, former Ambassador to the United Nations Jeanne Kirkpatrick and a host of other experts in the field.

I took seriously the objection raised by these experts and public servants. And I have come to the conclusion that the CTBT would be dangerous to America, and to the American people. CTBT is not verifiable. It would erode our confidence in the safety and reliability of our own nuclear deterrent. And, perhaps most damning, it would utterly fail to halt the proliferation of nuclear weapons.

Let me explain my reasoning.

First, this treaty is not verifiable. The United States simply does not have the technical means to detect violations of the Treaty at this time. Nor are such technical means currently in development. Thus, it would be entirely feasible for an adversary to conduct significant military testing with little or no risk of detection.

With our current capability, we could not detect, with any significant degree of confidence, any nuclear testing producing yields of less than 1 kiloton. Yet testing that is of real, military significance does not require a 1 kiloton yield. If we are to have effective verification, we must have high and rationally based confidence that we can detect militarily significant cheating.

To make matter worse, potential adversaries can employ evasion techniques of varying complexity that would make nuclear tests with yields as large as 10 kilotons extremely difficult to detect and identify with any confidence. In addition, we should not forget that a country determined to develop a nuclear arsenal could do so without any testing whatsoever. The resulting nuclear capability might be unreliable. But it would be no less dangerous for that fact.

Throughout the last several decades of test ban negotiations it has consistently been United States policy that our nation would not sign any treaty unless it were effectively verifiable. This position has been based on solid reasoning: any adversary that covertly tests—while the United States foregoes testing—could gain significant military advantage over us. Based on this fault alone, I would recommend against ratification of CTBT.

But there are other serious flaws in this treaty that, in my view, dictate its rejection. Among these is the simple fact that reliability requires testing. Our nation's national security strategy is based on the policy of deterrence. CTBT will jeopardize our policy of nuclear deterrence by undermining the reliability of our nuclear weapons and by foreclosing the addition of advanced safety measures to our warheads.

Mr. President, for deterrence to be effective, the nuclear stockpile must be safe and reliable. By banning testing, the CTBT would permanently deny the US the only proven means we have for ensuring the safety and reliability of our nuclear deterrent.

The Administration is pursuing various new experimental techniques as part of its Stockpile Stewardship Program (SSP) to replace actual nuclear testing with sophisticated computer modeling and simulations. However, these new techniques are not yet proven and there is no way to confirm that even the best models will be able to predict, with adequate precision, the condition of weapons systems.

In fact, Dr. James Schlesinger, the former Secretary of both Defense and Energy, has testified before the Senate that ''it will be many, many years before we can assess adequately the degree of success of the Stewardship Program and the degree to which it may mitigate the decline of confidence in the reliability of the stockpile.'' It would be irresponsible for us to bet something as critical to national security as the safety and reliability of our nuclear weapons on unproven technology. We have no right to take such a leap of faith where the safety and very survival of the American people are involved. We must keep open the option of future testing.

Finally, the CTBT will neither stop nor slow nuclear proliferation. As I have mentioned, nuclear testing is not a prerequisite to acquiring a workable arsenal. Simple nuclear weapons can be designed with high confidence without nuclear testing. For example, South Africa designed and developed nuclear weapons without testing. The CTBT will not create a significant or meaningful obstacle to nuclear proliferation. A nation that attempts to build complex nuclear weapons will encounter problems with reliability. But it is entirely feasible for a nation to design, build, and stockpile effective nuclear weapons without nuclear testing.

CTBT, as its name implies, is simply a ban on nuclear explosions of any yield exceeding zero. It is not a treaty by which states which currently have nuclear weapons agree to give them up, reduce their numbers, even stop their development or agree not to give them to others. It simply would not provide any added safety in our dangerous world. Indeed, by reducing the reliability of our own nuclear deterrent and encouraging the secret development of nuclear weapons, it would significantly reduce the level of safety currently enjoyed by citizens of the United States, and of the world.

I am convinced that it would be a tragic disservice to the American people for this body to approve the Comprehensive Test Ban Treaty. I urge my colleagues to vote for safety by voting against this treaty.

Ms. LANDRIEU. Mr. President, I came across a quote from a Senate treaty debate, and I thought it was important to restate it for my colleagues. The quote reads:

> I am as anxious as any human being can be to have the United States render every possible service to the civilization and the peace of mankind. But I am certain that we can do it best by not putting ourselves in leading strings, or subjecting our policies and our sovereignty to other nations.

It struck me how familiar the passage sounded. It is similar in tone and substance to the remarks made during the debate on the Comprehensive Test Ban Treaty these last few days. However, the quote is almost exactly 80 years old, because it was nearly 80 years ago today, that this body took its first steps towards rejecting the Treaty of Versailles, and preventing our entry into the League of Nations.

The statement is from the distinguished Republican Majority Leader, Henry Cabot Lodge. Senator Lodge had a very real distaste for the President at the time. He, and a small minority of Senators used this treaty to send a political message to then President Wilson. The President had worked very hard to establish the League of Nations, he was very popular with the American people, and so was this treaty. However, through red herring arguments, and political arm twisting, Senator Lodge was able to block ratification. He thought he had embarrassed the President; he thought he had outmaneuvered the Democratic party; he thought he was laying the groundwork for the Presidential election of 1920. But Senator Lodge did not beat President Wilson that day, he beat America. Senator Lodge did not believe America

needed to lead. In his view, America could withdraw across the Atlantic, and the world events would take care of themselves.

Detractors of this world view called its adherents ''little Americans.'' In other words, the proponents of isolation and withdrawal, saw the United States as a country with no particular place in history, and with no important place in world events. Twenty years later, millions around the world would pay the price for Senator Lodge's short-sightedness. The United States never did join the League, and that fact undermined its credibility from the word go. First, neighboring states in the western hemisphere withdrew from the League: Brazil, Honduras, Costa Rica and a host of others. The trend continued until finally Germany and Japan left the organization. Having abandoned our place at the table, the power vacuum was filled by other forces, in this case the ultra-nationalist and fascist regimes of Germany, Italy and Japan.

To put that mistake into a little greater perspective, about 7 million soldiers lost their lives in World War I. That was a shocking figure at the time, it was greater than the combined total of all the wars in Europe for the previous 100 years. However, the horrors of World War I, were completely overshadowed by what came next. The U.S. withdrew into isolation, the League of Nations failed, and World War II was the direct result. World War I was the worst disaster humanity had known in 1919, the loses in World War II were three times worse. This is a very high price to pay for a little presidential politics, and the false security of isolationism.

Mr. President, we have an often repeated axiom in the Senate, that politics stops at the waters edge. The axiom is there to remind us of exactly the kind of mistake this body made 80 years ago. To play politics with international agreements is to invite disaster. The headlines were the same all over last night, the Senate handed the President a major defeat last night by rejecting the Comprehensive Test Ban Treaty. There is no defeating the President, he will be out of office in 18 months, his legacy will not rise or fall with the passage of this treaty. However, the members of this body can undermine America's standing in the world, and last night they did just that.

As a member of the Armed Services Committee, I sat through several hearings, listened to testimony on the CTBT, and weighed the merits of the agreement. I understood the perspective of my Chairman, Senator WARNER and others with respect to this agreement. There were legitimate concerns expressed by the directors of our national laboratories, there were serious questions about our ability to monitor this agreement, and I understand how reasonable minds can disagree about the merits of the treaty. However, what occurred last night was willful disregard for the leadership role that this nation plays in the world. That vote need not have occurred. We could have waited for a stronger consensus on the science of the stockpile stewardship program. Had we delayed consideration, we would have benefitted from the revised national intelligence estimate. We might also have negotiated with the Russians and Chinese to address some of the more difficult treaty monitoring questions. However, all such potential benefits of time are lost to us. All of this despite the fact that a clear majority of Senators would have preferred to delay consideration of the treaty. Sadly, I must conclude that the drive to bring this treaty to a vote was not a question of merit, it was a political exercise.

We have numerous treaties sitting before the Senate Foreign Relations Committee that might be brought up, and dealt with the same way. I'll give just one example—the Convention on the Elimination of all forms of Discrimination Against Women or CEDAW. There are many in this body who oppose particular provisions of this treaty, and I am not certain that if we brought it to the floor, there would be sufficient votes to ratify it. The reason we do not bring it to the floor, is because the United States is not going to send a message to the world that the United States tacitly endorses discrimination, by actively rejecting this treaty. However, on something as important as nuclear proliferation, the majority felt compelled to do exactly that.

Mr. President, I believe that a small group of the members of this body took aim at our President with last night's vote. Unfortunately, like Senator Lodge before them, they missed the President and hit the American people. President Wilson was fond of saying that American power, was moral power. He was right. The United States does not, and cannot rely on its nuclear weapons to convince the nations of the world to follow our example. The only real weapon that we have to combat nuclear proliferation is our world leadership and the power of American moral authority. With last night's vote, I am afraid that we unilaterally disarmed.

SKILLED NURSING FACILITIES

Mr. DOMENICI. Mr. President, I want to speak for a moment about a crisis going on in our nursing home industry. Today, a very large nursing home with headquarters in my home State of New Mexico filed for Chapter 11, that is bankruptcy protection but it is bankruptcy nonetheless. This is the second nursing home chain to file for bankruptcy in the last 2 months. These two nursing home chains own hundreds of facilities over the country, across it from north to south and east to west. So every Senator should be concerned about what is happening in this industry.

Frankly, we could have avoided this crisis if the administration had been more willing to acknowledge and address the problem. We wrote a bipartisan letter to Secretary Shalala in May, signed by 64 Senators, urging her to work with us to address the problem administratively. We have yet to get a response. Now I am here to tell you unless something very dramatic is done, this crisis is not over. We are going to see more bankruptcies and ultimately disruptions in the care for our senior citizens unless we fix this problem.

Clearly, one of the major reasons for these failures is the new payment system through the Medicare program for skilled nursing facilities and some of the services they give to their patients. Everyone, including the Health Care Financing Administration, acknowledges that this payment system does not adequately reimburse nursing homes for so-called nontherapy ancillary services; that is, drugs, oxygen, and other costs incurred, which are a very large part of the expenses of taking care of our seniors in nursing homes.

To address this problem, I joined with Senator HATCH and others in introducing S. 1500. That would fix the new payment system and it is fiscally responsible.

Unfortunately, the package of Medicare provisions released by the Chairman and Ranking Member of the Finance Committee yesterday is woefully inadequate.

Hatch-Domenici increased the payment rates in the 15 categories of reimbursement that clearly underpay for those patients with high non-therapy ancillary costs.

The Finance Committee package, however, only includes two of these 15 categories.

I am told that this is the position that HCFA supports, perhaps based on a contractor's analysis of the problem.

But I am also told that the same contractor indicates right up front in the report that patients with high nontherapy ancillary costs are likely to appear in the patient categories covered by the Hatch-Domenici bill.

But, it seems to me that there is no higher priority in Medicare than fixing this problem, which is on the verge of disrupting care for millions of seniors in every state.

The Finance Committee is working on a bill to help in this area and some others. I have seen the bill as of yesterday. It is totally inadequate to take care of this problem, this crisis across this land. In my State, if this company goes bankrupt, totally bankrupt, it will not only hurt seniors across this land but we will have 700 to 800 people who will lose their jobs. They have been working in this industry for years.

I ask the Finance Committee to reconsider what they contemplated yesterday. I will begin working with some of them, with specifics. But I guarantee those who are contemplating a bill to

do some justice and fairness in this area, we are not going to get by with the provisions that were in the bill as of yesterday.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, October 13, 1999, the Federal debt stood at $5,662,720,361,489.64 (Five trillion, six hundred sixty-two billion, seven hundred twenty million, three hundred sixty-one thousand, four hundred eighty-nine dollars and sixty-four cents).

One year ago, October 13, 1998, the Federal debt stood at $5,537,721,000,000 (Five trillion, five hundred thirty-seven billion, seven hundred twenty-one million).

Five years ago, October 13, 1994, the Federal debt stood at $4,690,874,000,000 (Four trillion, six hundred ninety billion, eight hundred seventy-four million).

Ten years ago, October 13, 1989, the Federal debt stood at $2,869,041,000,000 (Two trillion, eight hundred sixty-nine billion, forty-one million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,793,679,361,489.64 (Two trillion, seven hundred ninety-three billion, six hundred seventy-nine million, three hundred sixty-one thousand, four hundred eighty-nine dollars and sixty-four cents) during the past 10 years.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:15 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1993. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 141. Concurrent resolution celebrating One America.

The message further announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, H.R. 2684, making appropriations for the Departments of Veterans Affairs Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILL SIGNED

At 6:09 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2561. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

At 6:22 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2990. An Act to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts; to amend title I of the Employee Retirement Income Security Act of 1974, title XXVII of the Public Health Service Act, and the Internal Revenue Code of 1986 to protect consumers in managed care plans and other health coverage; and for other purposes.

At 6:37 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3064. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

MEASURE REFERRED

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 141. Concurrent resolution celebrating One America; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bills were read twice and placed on the calendar:

H.R. 1993. An act to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes.

H.R. 3064. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 14, 1999, he had presented to the President of the United States, the following enrolled bills:

S. 322. An act to amend title 4, United States Code, to add the Martin Luther King Jr. holiday to the list of days on which the flag should especially be displayed.

S. 800. An act to promote and enhance public safety through the use of 9–1–1 as the universal emergency assistance number, further deployment of wireless 9–1–1 service, support of States in upgrading 9–1–1 capabilities and related functions, encouragement of construction and operation of seamless, ubiquitous, and reliable networks for personal wireless services, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5614. A communication from the Deputy Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Species; Threatened Status for Two Chinook Salmon; Evolutionarily Significant Units (ESUs) in California'' (RIN0648–AM54), received October 7, 1999; to the Committee on Commerce, Science, and Transportation.

EC–5615. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Stage II Gasoline Vapor Recovery and RACT Requirements for Major Sources of VOC'' (FRL #6457–1), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5616. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Maryland; Revision to Section 111(d) Plan Controlling Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills'' (FRL #6456–6), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5617. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of State Air Quality Plans for Designated Facilities and Pollutants; Pennsylvania; Control of Total Reduced Sulfur Emissions from Existing Kraft Pulp Mills'' (FRL #6456–4), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5618. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and

Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Vermont: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6456–8), received October 8, 1999; to the Committee on Environment and Public Works.

EC–5619. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Acid Rain Program—Nitrogen Oxides Emission Reduction Program, Rule Revision in Response to Court Remand'' (FRL #6455–4), received October 7, 1999; to the Committee on Environment and Public Works.

EC–5620. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Delaware; 15 Percent Rate of Progress Plan'' (FRL #6453–5), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5621. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Air Quality Implementation Plans; Texas: Redesignation Request and Maintenance Plan for the Collin County Lead Nonattainment Area'' (FRL #6449–5), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5622. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Approval and Promulgation of Implementation Plans; Approval of Revisions to the North Carolina State Implementation Plan'' (FRL #6453–8), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5623. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Massachusetts: Final Authorization of State Hazardous Waste Management Program Revision'' (FRL #6454–1), received October 6, 1999; to the Committee on Environment and Public Works.

EC–5624. A communication from the Director, Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting two reports entitled ''Guidance on Calculating the Economic Benefit of Noncompliance by Federal Agencies,'' and ''The Yellow Book: Guide to Environment Enforcement and Compliance at Federal Facilities''; to the Committee on Environment and Public Works.

EC–5625. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Standard Review Plan on Foreign Ownership, Control, or Domination,'' received October 12, 1999; to the Committee on Environment and Public Works.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–366. A joint resolution adopted by the Legislature of the State of California relative to space-related commerce; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 33

Whereas, As we approach the next millennium an unprecedented surge in space technology and commercial enterprise is creating a new space services era; and

Whereas, Over 40 countries are vigorously competing to participate in this rapidly expanding industry; and

Whereas, At a time of increasing foreign launch competition, the United States Air Force has stated that it intends to encourage private development and become a customer of launch facilities in lieu of its current role as developer, operator, and maintainer of United States space launch complexes; and

Whereas, The recently completed Cox Commission report concludes that it is in the national security interest of the United States to expand our domestic launch capability; and

Whereas, It is in the best interest of California's economy to encourage the development of a robust commercial launch industry so that the state can continue its role as an international space ''center of excellence'' in the rapidly growing commercial space market; and

Whereas, California's educational institutions, aerospace industries, and highly skilled work force have historically played a dominant role in space education, research, technology, manufacturing, services, and transportation, now, therefore, be it

Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to recognize the driving force of space-related commerce in our economy and support Sen. No. 1239 and H.R. No. 2289, federal legislation to classify spaceports as exempt facilities and enable state and local entities to sell bonds for private or public development of spaceport infrastructure; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate of the United States, and to each Senator and Representative from California in the Congress of the United States.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 710. A bill to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail (Rept. No. 106–184).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments and an amendment to the title:

S. 905. A bill to establish the Lackawanna Valley American Heritage Area (Rept. No. 106–185).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with amendments:

S. 1117. A bill to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes (Rept. No. 106–186).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. 1324. A bill to expand the boundaries of the Gettysburg National Military Park to include Wills House, and for other purposes (Rept. No. 106–187).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with amendments and an amendment to the title:

H.R. 2454. A bill to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese (Rept. No. 106–188).

By Mr. CHAFEE, from the Committee on Environment and Public Works, with an amendment:

S. 835. A bill to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes (Rept. No. 106–189).

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1730. An original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted (Rept. No. 106–190).

S. 1731. An original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted (Rept. No. 106–191).

By Mr. CAMPBELL, from the Committee on Indian Affairs, with an amendment in the nature of a substitute:

S. 225. A bill to provide housing assistance to Native Hawaiians (Rept. No. 106–192).

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of a committee were submitted:

By Mr. HATCH, for the Committee on the Judiciary:

Barbara M. Lynn, of Texas, to be United States District Judge for the Northern District of Texas.

William Joseph Haynes, Jr., of Tennessee, to be United States District Judge for the Middle District of Tennessee.

Ronald A. Guzman, of Illinois, to be United States District Judge for the Northern District of Illinois.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. JEFFORDS:

S. 1725. A bill to amend title XVIII of the Social Security Act to modernize medicare supplemental policies so that outpatient prescription drugs are affordable and accessible for medicare beneficiaries; to the Committee on Finance.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, and Mr. INOUYE):

S. 1726. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

By Mr. DOMENICI:

S. 1727. A bill to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1728. A bill to amend title XIX of the Social Security Act to remove the limit on amount of medicaid disproportionate share hospital payment for hospitals in Ohio; to the Committee on Finance.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1729. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE:

S. 1730. An original bill to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted; from the Committee on Environment and Public Works; placed on the calendar.

S. 1731. An original bill to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted; from the Committee on Environment and Public Works; placed on the calendar.

By Mr. BREAUX (for himself, Mr. JEFFORDS, Mr. GRASSLEY, Mr. KERREY, and Mr. HATCH):

S. 1732. A bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan; to the Committee on Finance.

By Mr. FITZGERALD (for himself, Mr. LEAHY, Mr. LUGAR, Mr. HARKIN, and Mr. CRAIG):

S. 1733. A bill to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1734. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretative center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 203. A resolution to authorize document production, testimony, and representation of Senate employees, in a matter before the Grand Jury in the Western District of Pennsylvania; considered and agreed to.

By Mr. SMITH of New Hampshire (for himself, Mr. BROWNBACK, and Mr. HELMS):

S. Con. Res. 59. A concurrent resolution urging the President to negotiate a new base rights agreement with the Government of Panama in order for United States Armed Forces to be stationed in Panama after December 31, 1999; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS:

S. 1725. A bill to amend title XVIII of the Social Security Act to modernize Medicare supplemental policies so that outpatient prescription drugs are affordable and accessible for medicare beneficiaries; to the Committee on Finance.

THE DRUGGAP INSURANCE FOR SENIORS ACT OF 1999

Mr. JEFFORDS. Mr. President, I come to the floor today to introduce the DrugGap Insurance for Seniors Act of 1999, which will provide much-needed insurance coverage for medicines for low-income seniors, and will allow all other seniors, for the first time, to purchase an affordable, drug-only insurance policy to protect them against the runaway cost of drugs.

Mr. President, we are all aware that prescription drug costs continue to grow at an alarming rate. Seniors are being forced to spend greater and greater portions of their fixed incomes on prescription drugs that they need to live. Research and development of prescription drugs have come a long way since Medicare was originally enacted in 1965. Today, drugs are just as important, and in many cases more important, than hospital visits. It does not make sense for Medicare to reimburse hospitals for surgery, but not provide coverage for the drugs that might prevent surgery. That is why I am committed to modernizing the Medicare program so that it does not go bankrupt in the next 10 to 15 years. In addition, we must ensure that any Medicare reform proposal we consider includes a prescription drug benefit that helps all seniors.

This is a basic coverage problem that we must address as we modernize the Medicare program, and it is one of my top priorities. Ideally, it should be part of broad Medicare reform. Even if we are not able to achieve broad reform in the Medicare program this year, we must at least do something to address this basic need for seniors.

Today, I am introducing a bill that will target the most needy seniors. Currently, Medicare beneficiaries can purchase private insurance plans, called Medigap plans, to pay certain health care expenses that are not covered by Medicare. The law allows Medigap insurers to offer ten standardized plans to beneficiaries. However, only the three most expensive Medigap plans cover prescription drugs.

My plan calls for three new Medigap insurance plans to be developed that will cover only prescription drugs. The federal government will use a small portion of the budget surplus to purchase these new ''DrugGap'' policies for low-income Medicare beneficiaries who do not already have prescription drug coverage under Medicaid or through an employer sponsored plan. This bill provides all seniors the option of purchasing affordable, comprehensive coverage for prescription drugs even if they do not qualify for the federal government purchase plan. The bill also includes reforms to the Medigap system to give seniors more choice, and to keep Medigap premiums affordable.

Mr. President, this bill offers several significant advantages to Medicare beneficiaries who need coverage for prescription drugs. First, nothing will change for those Medicare beneficiaries who like their current Medigap plans. This bill will offer more choices for Medicare beneficiaries, but will not make seniors change coverage that they like.

Second, this plan does not mandate prescription drug benefits on the current standardized plans, which some critics have argued will raise premiums. Indeed, one of the goals of this legislation is to make Medigap more affordable, and to seek solutions to the problem of the spiraling cost of Medigap premiums. This bill offers a way to accomplish this goal.

This bill also gives DrugGap policy holders access to the deep discounts on drugs that HMOs get, even if the beneficiary has not met the policy's deductible, and makes it clear that insurance companies can issue drug discount cares to Medigap policy holders even if the policy doesn't cover prescription drugs.

Finally, this bill will provide federal grants to the states for counseling for seniors regarding this new benefit.

Mr. President, this bill is not a substitute for the much-needed Medicare reform and Medicare drug benefit, but it is a positive step that we can take right now to protect Medicare beneficiaries until Medicare reform can be achieved, and a broad drug benefit is implemented. I hope my colleagues will support this moderate approach to helping Medicare beneficiaries deal with the runaway costs of prescription drugs.

Mr. President, I ask unanimous consent that the text of the bill and a brief summary of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 1725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''DrugGap Insurance for Seniors Act of 1999''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Coverage of outpatient prescription drugs is the most important aspect of medical care not currently provided under the medicare program under title XVIII of the Social Security Act.

(2) The medicare program needs to be reformed, and should include provisions that provide access to outpatient prescription drugs for all medicare beneficiaries.

(3) Comprehensive medicare reform will require extensive time and effort, but Congress must act now to provide outpatient prescription drug coverage to the most vulnerable medicare beneficiaries until such time as the medicare program is reformed.

(4) Low-income medicare beneficiaries are the most vulnerable to the high cost of outpatient prescription drugs, since they are often not eligible to receive benefits under medicaid, yet have incomes too low to afford medicare supplemental policies that include coverage for outpatient prescription drugs.

(5) Medicare beneficiaries deserve meaningful choices among medicare supplemental policies, including the option of purchasing affordable outpatient prescription drug-only medicare supplemental policies.

(6) Premiums for medicare supplemental policies have risen dramatically in recent years, and steps must be taken to keep premiums from rising out of the reach of medicare beneficiaries.

(7) Increased use of medicare supplemental policies does not represent sufficient structural medicare reform.

(b) PURPOSES.—The purposes of this Act are as follows:

(1) To provide medicare supplemental policies covering outpatient prescription drugs to low-income medicare beneficiaries at no cost.

(2) To provide expanded choice to all medicare beneficiaries by creating affordable drug-only medicare supplemental policies.

(3) To ensure that medicare supplemental policies are modernized in a manner that promotes competition and preserves affordability for all medicare beneficiaries.

SEC. 3. MODERNIZATION OF MEDICARE SUPPLEMENTAL BENEFIT PACKAGES.

(a) ADDITION OF DRUGGAP POLICIES AND MODIFICATION OF EXISTING MEDIGAP POLICIES.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

''(v) MODERNIZED BENEFIT PACKAGES FOR MEDICARE SUPPLEMENTAL POLICIES.—

''(1) PROMULGATION OF MODEL REGULATION.—

''(A) NAIC MODEL REGULATION.—If, within 9 months after the date of enactment of the DrugGap Insurance for Seniors Act of 1999, the National Association of Insurance Commissioners (in this subsection referred to as the ''NAIC'') changes the 1991 NAIC Model Regulation (described in subsection (p)) to incorporate—

''(i) limitations on the benefit packages that may be offered under a medicare supplemental policy consistent with paragraphs (2) and (3) of this subsection;

''(ii) an appropriate range of coverage options for outpatient prescription drugs, including at least a minimal level of coverage under each benefit package;

''(iii) a deductible for outpatient prescription drugs that is uniform across each benefit package;

''(iv) uniform language and definitions to be used with respect to such benefits;

''(v) uniform format to be used in the policy with respect to such benefits; and

''(vi) other standards to meet the additional requirements imposed by the amendments made by the DrugGap Insurance for Seniors Act of 1999;

subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after the date specified in subparagraph (C), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed under this subparagraph (such changed regulation referred to in this section as the '2000 NAIC Model Regulation').

''(B) REGULATION BY THE SECRETARY.—If the NAIC does not make the changes in the 1991 NAIC Model Regulation within the 9-month period specified in subparagraph (A), the Secretary shall promulgate, not later than 9 months after the end of such period, a regulation and subsection (g)(2)(A) shall be applied in each State, effective for policies issued to policy holders on and after the date specified in subparagraph (C), as if the reference to the Model Regulation adopted on June 6, 1979, were a reference to the 1991 NAIC Model Regulation as changed by the Secretary under this subparagraph (such changed regulation referred to in this section as the '2000 Federal Regulation').

''(C) DATE SPECIFIED.—

''(i) IN GENERAL.—Subject to clause (ii), the date specified in this subparagraph for a State is the date the State adopts the 2000 NAIC Model Regulation or 2000 Federal Regulation or 1 year after the date the NAIC or the Secretary first adopts such standards, whichever is earlier.

''(ii) STATES REQUIRING REVISIONS TO STATE LAW.—In the case of a State which the Secretary identifies, in consultation with the NAIC, as—

''(I) requiring State legislation (other than legislation appropriating funds) in order for medicare supplemental policies to meet the 2000 NAIC Model Regulation or 2000 Federal Regulation; but

''(II) having a legislature which is not scheduled to meet in 2001 in a legislative session in which such legislation may be considered;

the date specified in this subparagraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after January 1, 2000. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

''(D) CONSULTATION WITH WORKING GROUP.—In promulgating standards under this paragraph, the NAIC or Secretary shall consult with a working group composed of representatives of issuers of medicare supplemental policies, consumer groups, medicare beneficiaries, and other qualified individuals. Such representatives shall be selected in a manner so as to assure balanced representation among the interested groups.

''(E) MODIFICATION OF STANDARDS IF MEDICARE BENEFITS CHANGE.—If benefits (including deductibles and coinsurance) under this title are changed and the Secretary determines, in consultation with the NAIC, that changes in the 2000 NAIC Model Regulation or 2000 Federal Regulation are needed to reflect such changes, the preceding provisions of this paragraph shall apply to the modification of standards previously established in the same manner as they applied to the original establishment of such standards.

''(2) CORE GROUP OF BENEFITS AND NUMBER OF BENEFIT PACKAGES.—The benefits under the 2000 NAIC Model Regulation or 2000 Federal Regulation shall provide—

''(A) for such groups or packages of benefits as may be appropriate taking into account the considerations specified in paragraph (3) and the requirements of the succeeding subparagraphs;

''(B) for identification of a core group of basic benefits common to all policies other than the medicare supplemental policies described in paragraph (12)(B); and

''(C) that, subject to paragraph (4)(B), the total number of different benefit packages (counting the core group of basic benefits described in subparagraph (B) and each other combination of benefits that may be offered as a separate benefit package) that may be established in all the States and by all issuers shall not exceed 10 plus the 2 benefit packages described in paragraph (11) and the 3 policies described in paragraph (12)(B).

''(3) BALANCE OF OBJECTIVES.—The benefits under paragraph (2) shall, to the extent possible, balance the objectives of—

''(A) ensuring that medicare supplemental policies are affordable for beneficiaries under this title, and that the policies modernized under this subsection do not have premiums higher than the medicare supplemental policies available on the date of enactment of the DrugGap Insurance for Seniors Act of 1999;

''(B) facilitating comparisons among policies;

''(C) avoiding adverse selection;

''(D) providing consumer choice;

''(E) providing market stability;

''(F) promoting competition;

''(G) including some drug coverage, however limited, in each of the 10 benefit packages described in paragraph (2)(C); and

''(H) ensuring that beneficiaries under this title receive the benefit of prices for outpatient prescription drugs negotiated by issuers of medicare supplemental policies under this section.

''(4) STATES MAY OFFER NEW OR INNOVATIVE SUPPLEMENTAL BENEFITS.—

''(A) COMPLIANCE WITH APPLICABLE 2000 NAIC MODEL REGULATION OR 2000 FEDERAL REGULATION REQUIRED.—

''(i) STATES.—Except as provided in subparagraph (B) or paragraph (6), no State with a regulatory program approved under subsection (b)(1) may provide for or permit the grouping of benefits (or language or format with respect to such benefits) under a medicare supplemental policy unless such grouping meets the applicable 2000 NAIC Model Regulation or 2000 Federal Regulation.

''(ii) FEDERAL GOVERNMENT.—Except as provided in subparagraph (B), the Secretary may not provide for or permit the grouping of benefits (or language or format with respect to such benefits) under a medicare supplemental policy seeking approval by the Secretary unless such grouping meets the applicable 2000 NAIC Model Regulation or 2000 Federal Regulation.

''(B) ADDITIONAL BENEFITS.—The issuer of a medicare supplemental policy may offer the benefits described in subsection (p)(3)(B) under the circumstances described in such subsection as if each reference to '1991' were a reference to '2000'.

''(5) STATES MAY NOT RESTRICT CORE BENEFITS.—

''(A) MEDICARE SUPPLEMENTAL POLICIES SUBJECT TO STATE REGULATION.—Except as provided in subparagraph (B), this subsection shall not be construed as preventing a State from restricting the groups of benefits that may be offered in medicare supplemental policies in the State.

''(B) MUST MAKE CORE BENEFITS AVAILABLE.—A State with a regulatory program approved under subsection (b)(1) may not restrict under subparagraph (A) the offering of a medicare supplemental policy consisting only of the core group of benefits described in paragraph (2)(B).

''(6) STATE ALTERNATIVE SIMPLIFICATION PROGRAMS.—The Secretary may waive the application of standards described in clauses (i) through (vi) of paragraph (1)(A) in those States that on the date of enactment of the DrugGap Insurance for Seniors Act of 1999

had in place an alternative simplification program.

''(7) DISCOUNTS FOR ITEMS AND SERVICES NOT COVERED UNDER MEDICARE SUPPLEMENTAL POLICIES.—This subsection shall not be construed as preventing an issuer of a medicare supplemental policy who otherwise meets the requirements of this section from providing, through an arrangement with a vendor, for discounts from that vendor to policy holders or certificate holders for the purchase of items or services not covered under its medicare supplemental policies or under this title, including the issuance of drug discount cards.

''(8) CIVIL PENALTY FOR VIOLATION OF THE MODEL REGULATION.—Except as provided in paragraph (10), any person who sells or issues a medicare supplemental policy, on and after the effective date specified in paragraph (1)(C), in violation of the applicable 2000 NAIC Model Regulation or 2000 Federal Regulation insofar as such regulation relates to the requirements of subsection (o) or (q) or clauses (i) through (vi) of paragraph (1)(A) is subject to a civil money penalty of not to exceed $25,000 (or $15,000 in the case of a seller who is not an issuer of a policy) for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(9) REQUIREMENTS OF SELLERS.—

''(A) CORE BENEFIT PACKAGE.—Anyone who sells a medicare supplemental policy to an individual shall make available for sale to the individual a medicare supplemental policy with only the core group of basic benefits (described in paragraph (2)(B)).

''(B) OUTLINE OF COVERAGE.—Anyone who sells a medicare supplemental policy to an individual shall provide the individual, before the sale of the policy, an outline of coverage which describes the benefits under the policy. Such outline shall be on a standard form approved by the State regulatory program or the Secretary (as the case may be) consistent with the 2000 NAIC Model Regulation or 2000 Federal Regulation under this subsection.

''(C) PENALTIES.—Whoever sells a medicare supplemental policy in violation of this paragraph is subject to a civil money penalty of not to exceed $25,000 (or $15,000 in the case of a seller who is not the issuer of the policy) for each such violation. The provisions of section 1128A (other than the first sentence of subsection (a) and other than subsection (b)) shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a).

''(D) EFFECTIVE DATE.—Subject to paragraph (10), this paragraph shall apply to sales of policies occurring on or after the effective date specified in paragraph (1)(C).

''(10) SAFE HARBOR FOR SELLERS.—No penalty may be imposed under paragraph (8) or (9) in the case of a seller who is not the issuer of a policy until the Secretary has published a list of the groups of benefit packages that may be sold or issued consistent with paragraph (1)(A)(i).

''(11) ADDITION OF HIGH DEDUCTIBLE MEDICARE SUPPLEMENTAL POLICIES.—For purposes of paragraph (2), the benefit packages described in this paragraph are the benefit packages modernized under this subsection that the Secretary determines are most comparable to the benefit packages described in subsection (p)(11).

''(12) DRUGGAP MEDICARE SUPPLEMENTAL POLICIES.—

''(A) ESTABLISHMENT OF DRUG-ONLY MEDICARE SUPPLEMENTAL POLICIES.—

''(i) IN GENERAL.—There are established 3 benefit packages, consistent with the benefit packages described in subparagraph (B), that—

''(I) consist of only outpatient prescription drug benefits;

''(II) may be designed to incorporate the utilization management techniques described in subparagraph (C);

''(III) do not include benefits for prescription drugs otherwise available under part A or B; and

''(IV) do not include benefits for any prescription drug excluded by the State in which the medicare supplemental policy is issued or sold under section 1927(d).

''(ii) DEFINITION.—In this section, the term 'DrugGap medicare supplemental policy' means a medicare supplemental policy (as defined in subsection (g)(1)) that has 1 of the benefit packages described in subparagraph (B).

''(B) BENEFIT PACKAGES DESCRIBED.—The benefit packages for DrugGap medicare supplemental policies described in this paragraph are as follows:

''(i) STANDARD DRUGGAP BENEFIT PACKAGES.—

''(I) STANDARD DRUGGAP.—A Standard DrugGap medicare supplemental policy that provides a deductible not to exceed $250, coinsurance not to exceed 20 percent, and a $5,000 maximum benefit.

''(II) LOW-COST STANDARD DRUGGAP.—A Low-Cost Standard DrugGap medicare supplemental policy that provides a deductible not to exceed $750, coinsurance not to exceed 30 percent, and a $5,000 maximum benefit.

''(ii) STOP-LOSS DRUGGAP BENEFIT PACKAGE.—A Stop-Loss DrugGap medicare supplemental policy that provides a stop-loss coverage benefit that limits the application of any beneficiary cost-sharing during a year after the beneficiary incurs out-of-pocket covered expenditures in excess of $5,000, or, in the case that the beneficiary owns a DrugGap medicare supplemental policy described in clause (i), such beneficiary reaches the maximum benefit under such policy.

''(iii) MAXIMUM BENEFIT DEFINED.—In this paragraph, the term 'maximum benefit' means the total amount paid for covered outpatient prescription drugs, including any amounts paid by the issuer of the DrugGap medicare supplemental policy and any cost-sharing paid by the policyholder.

''(C) USE OF UTILIZATION MANAGEMENT TECHNIQUES.—

''(i) FORMULARIES.—An issuer may use a formulary to contain costs under any benefit package established under subparagraph (A)(i) only if the issuer—

''(I) includes in the formulary at least 1 drug from each therapeutic class and provides at least 1 generic equivalent, if available; and

''(II) provides for coverage of otherwise covered nonformulary drugs when a nonformulary alternative is medically necessary and appropriate.

''(ii) OTHER UTILIZATION MANAGEMENT TECHNIQUES.—Nothing in this part shall be construed as preventing an issuer offering DrugGap medicare supplemental policies from using reasonable utilization management techniques, including generic drug substitution, consistent with applicable law.''.

(b) DRUGGAP MEDIGAP POLICIES DO NOT DUPLICATE OTHER MEDIGAP POLICIES.—Section 1882(d)(3) of the Social Security Act (42 U.S.C. 1395ss(d)(3)) is amended—

(1) in subparagraph (A), by adding at the end the following:

''(ix) Nothing in this subparagraph shall be construed as preventing the sale of a DrugGap policy to an individual, provided that the sale is of a DrugGap policy that does not duplicate any health benefits under a medicare supplemental policy owned by the individual.'';

(2) in subparagraph (B)(ii)(I), by inserting ''and one DrugGap medicare supplemental policy'' before the comma; and

(3) in subparagraph (B)(iii)—

(A) in subclause (I), by striking ''(II) and (III)'' and inserting ''(II), (III), and (IV)'';

(B) by redesignating subclause (III) as subclause (IV); and

(C) by inserting after subclause (II) the following:

''(III) If the statement required by clause (i) is obtained and indicates that the individual is enrolled in 1 or more medicare supplemental policies, the sale of a DrugGap policy is not in violation of clause (i) if such DrugGap policy does not duplicate health benefits under any policy in which the individual is enrolled.''.

(c) ENROLLMENT IN CASE OF INVOLUNTARY TERMINATIONS OF COVERAGE.—Section 1882(s)(3)(C)(i) of the Social Security Act (42 U.S.C. 1395ss(s)(3)(C)(i)) is amended by striking ''under subsection (p)(2)'' and inserting ''under subsection (v)(2), a Standard DrugGap medicare supplemental policy under the standards established under subsection (v)(12)(B)(i), and a Stop-Loss DrugGap medicare supplemental policy under the standards established under subsection (v)(12)(B)(ii)''.

(d) SPECIAL ENROLLMENT PERIOD.—Section 1882(n) of the Social Security Act (42 U.S.C. 1395ss(n)) is amended by adding at the end the following:

''(7)(A) No medicare supplemental policy of the issuer shall be deemed to meet the standards in subsection (c) unless the issuer—

''(i) provides written notice, within a 60-day period specified in the modernization of the medicare supplemental policies under subsection (v), to the policyholder or certificate holder (at the most recent available address) of the offer described in clause (ii); and

''(ii) offers the individual under the terms described in subparagraph (B), during a period of 180 days beginning on the date specified in subparagraph (C), institution of coverage effective as of the date specified in the modernization described in clause (i) for such purpose, for any policy described under subsection (v).

''(B) The terms described under this subparagraph are terms which do not—

''(i) deny or condition the issuance or effectiveness of a medicare supplemental policy described in subparagraph (A)(ii) that is offered and is available for issuance to new enrollees by such issuer;

''(ii) discriminate in the pricing of such policy, because of health status, claims experience, receipt of health care, or medical condition; or

''(iii) impose an exclusion of benefits based on a preexisting condition under such policy.

''(C) The date specified in this subparagraph for a policy issued in a State is such date as the Secretary, in consultation with the NAIC, specifies (taking into account the method used under paragraph (4) for establishing a date under this subsection).''.

(e) CONFORMING AMENDMENTS.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended—

(1) in subsection (a)(2)—

(A) in the matter preceding subparagraph (A), by striking ''(p)'' and inserting ''(v)'';

(B) in subparagraph (A)—

(i) by striking ''1991'' each place it appears and inserting ''2000''; and

(ii) by striking ''(p)'' and inserting ''(v)''; and

(C) in the matter following subparagraph (B), by striking ''(p)'' and inserting ''(v)'';

(2) in subsection (o)—

(A) in paragraph (1), by striking ''(p)'' and inserting ''(v)''; and

(B) in paragraph (2), by striking ''(p)'' and inserting ''(v)''; and

(3) in subsection (r)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''(p)'' and inserting ''(v)''; and

(ii) in the matter following subparagraph (B), by striking ''(p)'' and inserting ''(v)''; and

(B) in paragraph (2)(A)—

(i) by striking ''(p)'' and inserting ''(v)''; and

(ii) by striking ''the date specified in section 171(m)(4) of the Social Security Act Amendments of 1994'' and inserting ''the date of enactment of the DrugGap Insurance for Seniors Act of 1999''.

SEC. 4. ASSISTANCE TO QUALIFIED LOW-INCOME MEDICARE BENEFICIARIES.

(a) IN GENERAL.—Part B of title XVIII of the Social Security Act (42 U.S.C. 1395j et seq.) is amended by adding at the end the following:

''SEC. 1849. ASSISTANCE TO QUALIFIED LOW-INCOME MEDICARE BENEFICIARIES.

''(a) QUALIFIED LOW-INCOME MEDICARE BENEFICIARY DEFINED.—For purposes of this part, the term 'qualified low-income medicare beneficiary' means an individual—

''(1) who is—

''(A) entitled to benefits under part A;

''(B) enrolled under this part; and

''(C) who does not have coverage for outpatient prescription drugs through enrollment in a Medicare+Choice plan offered by a Medicare+Choice organization under part C or in a group health plan;

''(2) who would be eligible for medical assistance under title XIX but for the fact that the individual's income exceeds the income level (expressed as a percentage of the poverty line) established by the State for eligibility for medical assistance under such title, including at least the care and services listed in paragraphs (1) through (5), (17), and (21) of section 1905(a), but does not exceed the lesser of—

''(A) 50 percentage points above such income level; or

''(B) 200 percent of the poverty line; and

''(3) who is enrolled in—

''(A) a Standard DrugGap medicare supplemental policy and a Stop-Loss DrugGap medicare supplemental policy as such policies are described in clauses (i)(I) and (ii) of section 1882(v)(12)(B), respectively; or

''(B) a Low-Cost Standard DrugGap medicare supplemental policy and a Stop-Loss DrugGap medicare supplemental policy as such policies are described in clauses (i)(II) and (ii) of section 1882(v)(12)(B), respectively.

''(b) PROGRAM ADMINISTERED BY THE STATES.—

''(1) IN GENERAL.—The Secretary shall establish an arrangement with each State (as defined under section 1861(x)) under which the State performs the functions described in paragraphs (2) through (4).

''(2) ANNUAL ELIGIBILITY.—The State shall determine whether a beneficiary under this title in the State is a qualified low-income medicare beneficiary. A determination that such an individual is a qualified low-income medicare beneficiary shall remain valid for a period of 12 months but is conditioned upon continuing enrollment in medicare supplemental policies described in subsection (a)(4).

''(3) COMPUTATION OF STATE WEIGHTED AVERAGE PREMIUM FOR STANDARD DRUGGAP AND STOP-LOSS DRUGGAP MEDICARE SUPPLEMENTAL POLICIES.—For each year, the State shall compute a State weighted average premium equal to the weighted average of the premiums for medicare supplemental policies described in clause (i)(I) of section 1882(v)(12)(B) and the medicare supplemental policies described in clause (ii) of such section for the State, with the weight for each medicare supplemental policy being equal to the average number of beneficiaries under this title enrolled under such policy in the previous year. In the initial year that such medicare supplemental policies are available, the State shall estimate the State weighted average premium for each type of policy.

''(4) PAYMENT BY STATES ON BEHALF OF QUALIFIED LOW-INCOME MEDICARE BENEFICIARIES.—The State shall provide for payment to the appropriate entity on behalf of a qualified low-income medicare beneficiary for a year in an amount equal to—

''(A) for the medicare supplemental policy described under clause (i) of section 1882(v)(12)(B) in which such beneficiary is enrolled, the lesser of—

''(i) the amount of the State weighted average premium (as computed under paragraph (3)) for the policies described under subclause (I) of such clause; or

''(ii) the full quoted premium for the policy;

''(B) for the medicare supplemental policy described under clause (ii) of section 1882(v)(12)(B) in which such beneficiary is enrolled, the lesser of—

''(i) the amount of the State weighted average premium (as computed under paragraph (3)) for the policies described under such clause; or

''(ii) the full quoted premium for the policy; and

''(C) such beneficiary out-of-pocket expenses related to the supplemental benefits provided under the policies described in subparagraphs (A) and (B) as the State determines is appropriate.

''(c) PAYMENTS TO STATES.—

''(1) REIMBURSEMENT FROM FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUND.—Each calendar quarter in a fiscal year, the Secretary shall pay to each State from the Federal Supplementary Medical Insurance Trust Fund under section 1841 an amount equal to the amount paid by the State under subsection (b)(4).

''(2) EXCLUSION OF ADDITIONAL PART B COSTS FROM DETERMINATION OF PART B PREMIUM.—In estimating the benefits and administrative costs that will be payable from the Federal Supplementary Medical Insurance Trust Fund for a year for purposes of determining the monthly premium rate under section 1839(a)(3), the Secretary shall exclude an estimate of any benefits and administrative costs attributable to the application of this section.

''(3) CONSTRUCTION RELATIVE TO OTHER BENEFITS.—Nothing in this section shall be construed as requiring a State, under its plan under title XIX, to be responsible for any portion of the subsidy or beneficiary cost-sharing provided under this section to qualified low-income medicare beneficiaries.

''(d) MAINTENANCE OF STATE EFFORT REQUIREMENT.—In the case of any State in which the income level (expressed as a percentage of the poverty line) established by the State for eligibility for medical assistance under title XIX (that includes at least the care and services listed in paragraphs (1) through (5), (17), and (21) of section 1905(a)) is less than 150 percent of the poverty line applicable to a family of the size involved in a calendar quarter in a fiscal year—

''(1) no payment may be made to such State under section 1849(c) for a calendar quarter in a fiscal year unless the State demonstrates to the satisfaction of the Secretary that the expenditures of the State for any State-funded prescription drug program for which individuals entitled to benefits under this section are eligible during the fiscal year is not less than the level of such expenditures for fiscal year 1999; and

''(2) payments shall not be made under this section for coverage of prescription drugs to the extent that—

''(A) payment is made under such a program; or

''(B) the Secretary determines payment would be made under such a program as in effect on the date of enactment of the DrugGap Insurance for Seniors Act of 1999.

''(e) POVERTY LINE DEFINED.—The term 'poverty line' has the meaning given such term in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.''.

(b) CONFORMING AMENDMENT.—Section 1839(a)(3) of the Social Security Act (42 U.S.C. 1395r(a)(3)), as amended by section 5101(e) of the Tax and Trade Relief Extension Act of 1998 (contained in division J of Public Law 105–277), is amended by striking ''except as provided in subsection (g)'' and inserting ''except as provided in subsection (g) or section 1849(d)''.

SEC. 5. GRANDFATHERING OF CURRENT MEDIGAP ENROLLEES.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act, and shall apply to medicare supplemental policies issued or sold after the date specified in subsection (b), but shall not apply to the renewal of medicare supplemental policies that are in existence on such date.

(b) DATE SPECIFIED.—The date specified in this subsection for each State is the date specified under section 1882(n)(7)(C) of the Social Security Act (42 U.S.C. 1395ss(n)(7)(C)) (as added by section 3(d) of this Act).

SEC. 6. HEALTH INSURANCE INFORMATION, COUNSELING, AND ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 4360(b)(2)(A)(ii) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–4(b)(2)(A)(ii)) is amended by striking ''and information'' and inserting '', providing specific information regarding any DrugGap benefit medicare supplemental policy described under section 1882(v) of the Social Security Act (42 U.S.C. 1395ss(v)), and information''.

(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to any amounts otherwise appropriated, there are authorized to be appropriated $50,000,000 for each fiscal year, beginning with the first year in which a DrugGap medicare supplemental policy described in section 1882(v)(12) is available, for the purpose of carrying out the provisions of section 4360 of the Omnibus Budget Reconciliation Act of 1990 (as amended by subsection (a)).

SEC. 7. NAIC STUDY AND REPORT.

(a) STUDY.—The Secretary of Health and Human Services shall contract with the National Association of Insurance Commissioners (referred to in this section as the ''NAIC'') to conduct a study of medicare supplemental policies offered under section 1882 of the Social Security Act (42 U.S.C. 1395ss) in order to identify—

(1) areas that are the cause of increasing medicare supplemental insurance claims costs (such as outpatient expenses) that affect the affordability of medicare supplemental policies;

(2) changes to Federal law (if any) required to address the issues identified under paragraph (1) to make medicare supplemental policies more affordable for beneficiaries under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(3) methods of encouraging additional issuers to offer such policies and to reduce the cost of premiums for such policies.

(b) REPORT.—Not later than November 1, 2001, the NAIC shall submit a report to the Secretary of Health and Human Services on the study conducted under subsection (a) that contains a detailed statement of the findings and conclusions of the NAIC together with recommendations for such legislation and administrative actions as the NAIC considers appropriate.

(c) TRANSMISSION TO CONGRESS.—Not later than January 1, 2002, the Secretary of Health and Human Services shall transmit the report submitted under subsection (b) to Congress together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

DRUGGAP INSURANCE FOR SENIORS ACT

PROPOSAL

The Federal government will purchase Medicare supplemental (''Medigap'') insurance policies covering prescription drugs (called ''DrugGap'' plans) for low-income seniors, which provides greater access to affordable medicines, and affordable insurance policies for all Medicare beneficiaries through modernized Medigap plans.

HOW IT WORKS

Current Coverage Continues: All beneficiaries currently enrolled in Medigap who are satisfied with their plans will keep their current policies, but those who want to take advantage of a new drug-only plan may do so.

Medigap Modernization: Under this proposal, the ten Medigap standardized plans will be reconsidered by the National Association of Insurance Commissioners (NAIC) in order to develop more efficient standardized policies that more appropriately represent today's dynamic health care system. The NAIC will use the same collaborative process outlined in OBRA '90 to modernize the ten standardized Medigap plans and determine the appropriate level of prescription drug coverage in each of the ten modernized plans. This process requires the participation of consumer groups, Medicare beneficiaries, and other representatives selected in a manner to assure balanced representation among the interested groups.

New Drug-Only ''DrugGap'' Plans: In addition to modernizing the existing ten standardized plans, NAIC would be required to develop three new standardized DrugGap plans, within the following structure:

(1) ''Standard DrugGap'' plan will have low deductible (maximum $250) and cost-sharing levels (maximum 20% copay), and a $5000 maximum benefit;

(2) ''Low-Cost Standard DrugGap'' will have somewhat higher deductible (maximum $750) and cost-sharing levels (maximum 30% copay), and $5000 maximum benefit;

(3) ''Stop-Loss DrugGap'' plan will cover any out-of-pocket prescription medicine costs after total prescription medicine costs reach $5000.

Affordability: Issuers of the new DrugGap plans will be given flexibility to employ a variety utilization management techniques to ensure affordability in these plans, including incentives to encourage appropriate generic substitution. The NAIC standards will include standards by which formularies could be developed, including requirements that all therapeutic classes of drugs will be covered, and beneficiaries will be guaranteed access to off-formulary drugs when they are necessary and appropriate. The standards will also include a mechanism to ensure appropriate utilization and to minimize incidents of adverse drug interactions, as well as mechanisms to ensure reasonable accessibility. Competition between plans will push actual deductible and coinsurance levels lower than the maximum allowable deductible and cost-sharing amounts.

Eligibility for Assistance: Any Medicare beneficiary who: (1) has income of less than 150% of the federal poverty level (in states where Medicaid eligibility is currently above 100% of poverty, the eligibility level will be 50 percentage points above the states' current Medicaid eligibility, up to 200% of the federal poverty level); (2) does not currently have employer-sponsored coverage for prescription drugs; and (3) who is not eligible to receive prescription drugs through Medicaid, is eligible to receive federal assistance. Each eligible beneficiary will receive federal assistance in purchasing a Standard DrugGap and Stop-Loss DrugGap plan.

Beneficiary Access: Any DrugGap plan may be purchased by any Medicare beneficiary regardless of whether the beneficiary is eligible for federal government assistance under this proposal.

Access to Discounts: Before the deductible has been satisfied, and after the maximum coverage amount of the DrugGap plan has been reached, plans are required to make drugs available to covered beneficiaries at the same price that is referenced by the plan in determining the plan coverage—i.e., beneficiaries purchase medications at the plan's discounted price. When providing drugs in these situations, plans may assess nominal administration/dispensing fees. This allows seniors to access the heavily discounted plan prices, which may be 20% to 25% lower than the market price for important prescription medicines.

Grants to States: This proposal will include grants to the states ($50 million) for counseling of seniors regarding this new benefit, and to help them access the new DrugGap policies.

Affordable Premiums: As a part of this Act, Congress would also instruct the NAIC to make recommendations regarding other regulatory and statutory changes which, if enacted, would reduce the cost of Medigap premiums, and would encourage more issuers to offer Medigap policies. These changes would address issues such as balance-billing and outpatient expenses.

By Mr. MCCAIN (for himself, Mr. CAMPBELL, Mr. INOUYE):

S. 1726. A bill to amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations; to the Committee on Finance.

THE INDIAN TRIBAL GOVERNMENT UNEMPLOYMENT COMPENSATION ACT TAX RELIEF AMENDMENTS OF 1999

Mr. MCCAIN. Mr. President, I rise today on behalf of myself, Senator CAMPBELL and Senator INOUYE to introduce the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999.

This bill would correct a serious oversight in the way the Internal Revenue Code treats Indian tribal governments for unemployment tax purposes under the unique, State-Federal program authorized by the Federal Unemployment Tax Act (FUTA). It would clarify existing tax statutes so that tribal governments are treated just as State and local units of governments are treated for unemployment tax purposes.

It is well-settled that tribal governments are not taxable entities under the Federal Tax Code because of their governmental status. But in recent years, both the Internal Revenue service and the U.S. Department of Labor have begun to advance an interpretation of FUTA that is particularly burdensome to Indian tribal governments.

The IRS has begun to insist on collecting the Federal portion of the FUTA tax from tribal governmental employers. The IRS rationale is that because the FUTA statute expressly exempts charitable organizations and all State and local units of government from paying the Federal portion of the FUTA tax, but does not expressly mention tribal governments, it must collect the Federal portion of the tax from tribal employers.

The Labor Department, for its part, several years ago issued an opinion declaring that State unemployment funds may not treat tribal government employers like other governmental units and accord them ''reimburser'' status. The Department's rationale was that FUTA statute does not expressly authorize tribal governments to participate on a reimbursable basis, and so State Unemployment Funds were prohibited from allowing them to do so.

The Congressional Research Service conducted a study at my request in the early 1990s which revealed that FUTA was being applied to tribal government employers differently throughout our Nation. Some were allowed to participate, even as reimbursers. Others were denied participation but charged the full tax without getting any benefit whatsoever. The recent actions by the IRS and the Labor Department have only served to make the application of FUTA to tribal government employers even more confusing, contradictory, and unfair.

FUTA involves a joint Federal-State taxation system that levies two taxes on most employers: an 0.8 percent unemployment tax and a State unemployment tax ranging up to more than 9 percent of a portion of an employer's payroll. Since its enactment in the 1930s, FUTA has treated foreign, Federal, State, and local government employers differently from private commercial business employers. It exempts all foreign, Federal, State, and local government employers from the 0.8 percent Federal FUTA tax. It exempts foreign and Federal government employers from State unemployment programs and allows State and local government employers to pay lower State unemployment taxes as reimbursers. FUTA also treats income tax-exempt charitable organizations the same as State and local governments. All other private sector employers pay both the Federal and State FUTA tax rates. The FUTA statute does not expressly include tribal government employers within the definition of governmental employers.

This legislation will expressly authorize tribal governments, like State and local units of government and charitable organizations, to contribute to a State fund on a reimbursable basis for unemployment benefits actually

paid out. Private sector employers typically must pay an unemployment tax in advance. The rationale for reimburser status is that governmental employers, like tribes and States, have a far more stable employment environment than that of the private sector, and that governmental revenue should not be committed to such purposes in advance of when the obligation to pay arises.

Let me be clear, this bill would ensure that tribes participate in the unemployment compensation system. Some now do not do so. Their participation would be on the same terms as other governments. Tribal government employers would pay for every dime that is paid out in benefits to workers they lay off. But the bill would clarify the law to ensure that tribal government employers do not pay more than what is paid, a ''reimburser'' status long accorded all other governmental employers and tax-exempt organization employers.

The bill I am introducing today would permanently resolve this matter across the Nation for every Indian tribal government. Unless this problem is resolved, many former tribal government employees will continue to be denied benefits by State unemployment funds and many tribal government employers will be charged at much higher rates than are all other governmental and tax-exempt employers. I believe tribal governments should be treated no differently than all other governments under our tax code, and that Indian and non-Indian workers who are separated from tribal governmental employment should be included within our Nation's comprehensive unemployment benefit system. This bill will go a long way toward ensuring mandatory participation by tribal governments on a fair and equitable basis in the Federal-State unemployment fund system. I can think of nothing more fair than the approach clarified in this bill. I urge my colleagues to support this legislation.

Mr. President, the Joint Committee on Taxation, through the Congressional Budget Office, estimates the cost of this bill to be minimal, about ten million dollars over a ten-year period. The cost to implement these provisions in the first few years will eventually be offset over the ten-year period, resulting in a negligible effect on the Federal treasury.

I ask unanimous consent that the text of the legislation, as well as a September 27, 1999 letter from the Joint Committee on Taxation providing the revenue estimate on this bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999''.

SEC. 2. TREATMENT OF INDIAN TRIBAL GOVERNMENTS UNDER FEDERAL UNEMPLOYMENT TAX ACT.

(a) IN GENERAL.—Section 3306(c)(7) of the Internal Revenue Code of 1986 (defining employment) is amended—

(1) by inserting ''or in the employ of an Indian tribe,'' after ''service performed in the employ of a State, or any political subdivision thereof,''; and

(2) by inserting ''or Indian tribes'' after ''wholly owned by one or more States or political subdivisions''.

(b) PAYMENTS IN LIEU OF CONTRIBUTIONS.—Section 3309 of the Internal Revenue Code of 1986 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended—

(1) in subsection (a)(2), by inserting '', including an Indian tribe,'' after ''the State law shall provide that a governmental entity'';

(2) in subsection (b)(3)(B), by inserting '', or of an Indian tribe'' after ''of a State or political subdivision thereof'';

(3) in subsection (b)(3)(E), by inserting ''or the tribe's'' after ''the State''; and

(4) in subsection (b)(5) by inserting ''or of an Indian tribe'' after ''an agency of a State or political subdivision thereof''.

(c) STATE LAW COVERAGE.—Section 3309 of the Internal Revenue Code of 1986 (relating to State law coverage of services performed for nonprofit organizations or governmental entities) is amended by adding at the end the following:

''(d) ELECTION BY INDIAN TRIBE.—The State law shall provide that an Indian tribe may elect to make contributions for employment as if the employment is within the meaning of section 3306 or to make payments in lieu of contributions under this section, and shall provide that an Indian tribe may make separate elections for itself and each subdivision, subsidiary, or business enterprise chartered and wholly owned by such Indian tribe. State law may require an electing tribe to post a reasonable payment bond or take other reasonable measures to assure the making of payments in lieu of contributions under this section. An election under this subsection may not be made except by an Indian tribe within the meaning of section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).''.

(d) DEFINITIONS.—Section 3306 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following:

''(u) INDIAN TRIBE.—For purposes of this chapter, the term 'Indian tribe' has the meaning given to such term by section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), and includes any subdivision, subsidiary, or business enterprise chartered and wholly owned by such an Indian tribe.''.

(e) TRANSITION RULE.—For purposes of the Federal Unemployment Tax Act, service performed in the employ of an Indian tribe (as defined in section 3306(u) of the Internal Revenue Code of 1986 (as added by this Act)) shall not be treated as employment (within the meaning of section 3306 of such Code) if—

(1) it is service which is performed before the date of enactment of this Act and with respect to which the tax imposed under the Federal Unemployment Tax Act has not been paid; and

(2) such Indian tribe reimburses a State unemployment fund for unemployment benefits paid for service attributable to such tribe for such period.

JOINT COMMITTEE ON TAXATION,
Washington, DC, September 27, 1999.

Hon. JOHN MCCAIN,
United States Senate,
Washington, DC.

DEAR SENATOR MCCAIN: This letter is in response to your request for an estimate of the revenue effects of the ''Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999.''

The proposal would treat tribal governments like State governments for the purpose of defining their obligations under the Federal Unemployment Tax Act (''FUTA''). Specifically, tribal government employers would be exempt from the Federal unemployment tax and would be authorized to contribute to State unemployment funds on a reimbursement basis. The proposal is assumed to be effective for services performed on or after January 1, 2000.

Because the provision affects contributions to the FUTA trust fund, the Congressional Budget Office (''CBO'') estimates its revenue effects. CBO estimates that the provision would have the following effects for Federal fiscal year budget receipts:

Fiscal years:	*Million*
2000	−$20
2001	−11
2002	−10
2003	−9
2004	36
2000–2004	−14
2000–2009	−10

I hope this information is helpful to you. Please let me know if we can be of further assistance in this matter.

Sincerely,

LINDY L. PAULL.

Mr. CAMPBELL. Mr. President, today I am pleased to be joining Senator MCCAIN in co-sponsoring the Indian Tribal Government Unemployment Compensation Act Tax Relief Amendments of 1999. If enacted, this legislation will modify the Federal Unemployment Tax Act of 1935 (''FUTA'') to allow Indian tribal governments to receive the same unemployment compensation treatment as state and local governments.

FUTA imposes a tax on the wages paid by employers to their employees. From these tax proceeds, unemployment insurance and benefits for out-of-work citizens is provided. Under the bill introduced today, Indian tribal governments would be treated as state and local governments, and would be authorized to contribute to state unemployment funds on a reimbursable basis.

The Congressional Budget Office (CBO) estimated that this bill would have a minimal impact, $10 million over 10 years, on the Federal budget.

However, the impact that this amendment would have on Indian economic development is immeasurable. The development of strong tribal economies is fundamental for tribal self-sufficiency and self-determination.

Private enterprise is often reluctant to do business and hire Indian workers if legal, tax, and regulatory regimes they face are confusing or unfriendly. This legislation would eliminate any confusion over the applicability of the FUTA tax and would create a level playing field for tribal governments and enhance their ability to attract and retain the best skilled employees.

By providing equitable FUTA treatment to tribal government employers, this legislation will assist in the long-term growth and stability of tribal economies.

I urge my colleagues to join Senator MCCAIN and I in supporting this important legislation.

By Mr. DOMENICI:

S. 1727. A bill to authorize for the expansion annex of the historic Palace of the Governors, a public history museum located, and relating to the history of Hispanic and Native American culture, in the Southwest and for other purposes; to the Committee on Energy and Natural Resources.

THE PALACE OF THE GOVERNORS EXPANSION ACT

Mr. DOMENICI. Mr. President, in conjunction with Hispanic Heritage Month I am introducing the Palace of the Governors Expansion Act. The Palace is a symbol of Hispanic influence in the United States and truly shows the coming together of many cultures in the New World—the various Native American, Hispanic and Anglo peoples who have lived in the region for over four centuries.

It is appropriate that during Hispanic Heritage Month that a bill should be introduced to preserve a priceless collection of Spanish Colonial, Iberian Colonial paintings, artifacts, maps, books, guns, costumes, photographs. The collection includes such historically unique items as the helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598. It includes the Vara Stick, a type of yardstick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

We have all heard of Geronimo. The Collection includes a rifle dropped by one of his men during a raid in the Black Range area of Western New Mexico.

We have all heard of Pancho Villa. His activities in the Southwest come alive when viewing some of the artifacts included in the Palace of the Governors Collection. The Columbus, New Mexico Railway Station clock was shot in the pendulum, freezing for all history the moment that Pancho Villa's raid and invasion began. It is part of the collection, but you wouldn't know it because there is no room to display it.

Brigadier General Stephen Watts Kearny was posted to New Mexico during the Mexican War. He commanded the Army of the West as they traveled from the Santa Fe trail to occupy the territories of New Mexico and California. As Kearny travelled, he carried a field desk which he used to write letters, diaries, orders and other historical documents. It is part of the collection, but you can't see it because there is no display space for it in the Palace of the Governors.

Many of us have read books by D. H. Lawrence, but none of us have seen the note from his mother that is part of the collection.

There are more than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

Today, where are these treasures that Teddy Roosevelt wanted to make part of the Smithsonian housed now?

Where is this collection that has been designated as National Treasures by the National Trust for Historic preservation kept?

In the basement of a 400 year old building.

It is a national travesty.

This legislation would right this wrong by authorizing funds for a Palace of the Governors Expansion Annex. The entire project will cost $32 million. The legislation authorizes a $15 million federal grant if the Museum can match the grant on a 50–50 basis.

The Palace of the Governors has acquired a half block right behind the current Palace. Obtaining this valuable real estate is evidence of the ingenuity and commitment of those involved in preserving the collection. Real estate near Santa Fe's plaza is seldom for sale at any price, much less an affordable price.

Palace of the Governors has been the center of administrative and cultural activity over a vast region in the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610. The building is the oldest continuously occupied public building in the United States. Since its creation, the Museum of New Mexico has worked to protect and promote Hispanic, Southwest and Native American arts and crafts.

I hope my colleagues will join me in supporting this important legislation saving this important collection. I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1.

(a) SHORT TITLE.—This act may be cited as Palace of the Governors Expansion Act.

SEC. 2. CONSTRUCTION OF PALACE OF THE GOVERNORS EXPANSION.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States has an enriched legacy of Hispanic influence in politics, government, economic development and cultural expression.

(2) The Palace of the Governors has been the center of administrative and cultural activity over a vast region of the Southwest since its construction as New Mexico's second capitol in Santa Fe by Governor Pedro de Peralta in 1610.

(3) The Palace of the Governors is the oldest continuously occupied public building in the United States and has been occupied for 390 years.

(4) Since its creation the Museum of New Mexico has worked to protect and promote Southwest, Hispanic and Native American arts and crafts.

(5) The Palace of the Governors is the history division of the Museum of New Mexico and was once proposed by Teddy Roosevelt to be part of the Smithsonian Museum and known as the ''Smithsonian West.''

(6) The Museum has a extensive and priceless collection of:

(A) Spanish Colonial and Iberian Colonial paintings including the Sagesser Hyde paintings on buffalo hide dating back to 1706,

(B) Pre-Columbian Art,

(C) Historic artifacts including:

(i) helmets and armor worn by the Don Juan Onate expedition conquistadors who established the first capital in the United States, San Juan de los Caballeros, in July of 1598.

(ii) The Vara Stick used to measure land grants and other real property boundaries in Dona Ana County, New Mexico.

(iii) The Columbus, New Mexico Railway Station clock that was shot, stopping the pendulum, freezing for all history the moment when Pancho Villa's raid began. It marks the beginning of the last invasion of the continental United States.

(iv) the field desk of Brigadier General Stephen Watts Kearny who was posted to New Mexico during the Mexican War and whose Army of the West traveled the Santa Fe trail to occupy the territories of New Mexico and California.

(v) more than 800,000 other historic photographs, guns, costumes, maps, books and handicrafts.

(7) The Palace of the Governors and the Sagesser Hyde paintings were designated Natural Treasures by the National Trust for Historic Preservation.

(8) The facilities both for exhibiting and storage of this irreplaceable collection are so totally inadequate and dangerously unsuitable that their existence is endangered and their preservation is in jeopardy.

(b) DEFINITIONS.—In this section:

(1) ANNEX.—The term ''Annex'' means the Palace of the Governors, Museum of New Mexico addition to be located directly behind the historic Palace of the Governors building at 110 Lincoln Avenue, Santa Fe, New Mexico.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(c) CONSTRUCTION OF THE ANNEX.—Subject to the availability of appropriations, the Secretary shall award a grant to New Mexico to pay for the Federal share of the costs of the final design, construction, furnishing and equipping of the Palace of the Governors Expansion Annex that will be located directly behind the historic Palace of the Governors at 110 Lincoln Avenue, Santa Fe, New Mexico.

(d) GRANT REQUIREMENTS.—(1) IN GENERAL.—In order to receive a grant awarded under subsection (c), New Mexico, acting through the Office of Cultural Affairs—

(A) shall submit to the Secretary, within 30 days of the date of enactment of this section, a copy of the architectural blueprints for the Palace of the Governors Expansion Annex.

(B) shall exercise due diligence to obtain an appropriation from the New Mexico State Legislature for at least $8 million.

(C) shall exercise due diligence to expeditiously execute a memorandum of understanding recognizing that time is of the essence for the construction for the Annex because 2010 marks the 400th anniversary of the continuous occupation and use of the Palace of the Governors.

(2) MEMORANDUM OF UNDERSTANDING.—The memorandum of understanding described in paragraph (1) shall provide—

(A) the date of completion of the construction of the Annex.

(B) that Office of Cultural Affairs shall award the contract for construction of the

Annex in accordance with the New Mexico Procurement Code; and

(C) that the contract for the construction of the Annex—

(i) shall be awarded pursuant to a competitive bidding process.

(3) FEDERAL SHARE.—The Federal share of the costs described in subsection (c) shall be 50 percent.

(4) NON-FEDERAL SHARE.—The non-Federal share of the costs described in section (c) shall be in cash or in kind fairly evaluated, including land, art and artifact collections, plant, equipment, or services. The non-Federal share shall include any contribution received by New Mexico for the design, land acquisition, library acquisition, library renovation, Palace of the Governors conservation, and construction, furnishing, equipping of the Annex, or donations of art collections to the Museum of New Mexico prior to the date of enactment of this section. The non-Federal share of the costs described in subsection (c) shall include the following:

(A) cost of the land at 110 Lincoln Avenue, Sante Fe, New Mexico,

(B) Library acquisition expenditures,

(C) Library renovation expenditures,

(D) Palace conservation expenditures,

(E) New Mexico Foundation and other endowments funds,

(F) Donations of art collections or other artifacts.

(e) USE OF FUNDS FOR CONSTRUCTION.—FURNISHING AND EQUIPMENT.—Subject to funds being appropriated, the funds received under a grant awarded under subsection (c) shall be used only for the final design, construction, management, inspection, furnishing and equipment of the Annex.

(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to funds being appropriated, there is authorized to be appropriated to the Secretary to carry out this section a total of $15,000,000 for fiscal year 2001 and succeeding fiscal years. Funds appropriated pursuant to the authority of the preceding sentence shall remain available until expended but are conditioned upon the New Mexico State legislature appropriating at least $8 million between date of enactment and 2010 and other non-federal sources providing enough funds, when combined with the New Mexico State legislature appropriations, to make this federal grant based on a fifty-fifty match.

By Mr. VOINOVICH (for himself and Mr. DEWINE):

S. 1728. A bill to amend title XIX of the Social Security Act to remove the limit on amount of medicaid disproportionate share hospital payment for hospitals in Ohio; to the Committee on Finance.

MEDICAID HOSPITAL PAYMENT FOR HOSPITALS IN OHIO

Mr. VOINOVICH. Mr. President, I rise today with my good friend and colleague from Ohio, Senator MIKE DEWINE, to introduce legislation that will remove the limit on the amount of federal Medicaid disproportionate share (DSH) payments for hospitals in Ohio. In 1993, Congress passed the Omnibus Budget Reconciliation Act (OBRA) in an effort to curb the rate of growth of federal Medicaid DSH spending to hospitals. Section 1923(g) of that bill placed maximum payment caps on hospitals. Subsequently, Congress passed the Balanced Budget Act (BBA) in 1997, in which Section 1923(f) placed funding caps on states. With the implementation of the aggregate state DSH spending limits, hospital-specific caps are no longer needed to assure the financial integrity of the program.

I have often spoken on the floor of the Senate in support of federalism. When the federal government makes overly prescriptive laws and regulations, it can erode the ability of state governments to protect consumers, promote economic development, and generate the revenue streams that fund education, public safety, infrastructure and other vital services. This is especially true in the case of Medicaid. Hospitals that provide care to indigent patients provide an invaluable service to their communities, often at great expense. DSH payments are intended to help reimburse those expenses. Congress should allow individual states to administer their DSH program in a way that provides the most funding for the most hospitals as possible. Without such leeway, we are imposing what is effectively an unfunded mandate on the private sector—telling these hospitals to treat Medicaid and uninsured patients without helping them pay for it. This is not good policy.

This legislation is federalism at its best. Section 1923(g) fails to recognize that each state implements its DSH program differently, and thus fails to recognize that the hospital-specific caps adversely affect Ohio hospitals. This legislation is budget neutral, yet it gives my state the flexibility to implement the Medicaid DSH program in the fairest and most equitable manner.

Under Ohio's DSH program, the Hospital Care Assurance Program (HCAP), all necessary hospital services are provided free of charge to persons below the federal poverty line. Generally, under HCAP, hospitals are taxed and those funds are used as the state's share to draw matching federal Medicaid DSH funds. The total pool is then distributed back to hospitals based on the level of each hospital's indigent care. Ideally, the DSH dollars should follow the indigent patients. However, partly because of the hospital-specific caps that were enacted in 1993, there are many HCAP hospitals that are reimbursed far less than the amount that would actually cover their indigent care expenses. The bill will give Ohio the ability to implement a new formula to correct this inequity within Ohio's overall spending limit.

Mr. President, Ohio deserves the authority to make health care decisions that are in the best interest of her citizens and their local hospitals. Ohio is not seeking additional federal dollars, merely the flexibility to allocate reimbursement funds under the DSH program where the funds are needed most. I urge passage of this legislation that will give relief to our hospitals and allow them to continue to provide quality care to each and every citizen in my state.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REMOVAL OF LIMIT ON AMOUNT OF MEDICAID DISPROPORTIONATE SHARE HOSPITAL PAYMENT FOR HOSPITALS IN OHIO.

(a) IN GENERAL.—Section 1923(g)(1) of the Social Security Act (42 U.S.C. 1396r–4(g)(1)) is amended—

(1) in subparagraph (A), by striking ''A'' and inserting ''Except as provided in subparagraph (D), a''; and

(2) by adding at the end the following new subparagraph:

''(D) EXCEPTION.—The limitations in subparagraphs (A) and (C) shall not apply to payments made to hospitals (other than institutions for mental diseases or other mental health facilities) located in Ohio.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to payments and payment adjustments made to hospitals on or after July 1, 1999.

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 1729. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL TRAILS-WILLING SELLER LEGISLATION

Mr. CAMPBELL. Mr. President, today I am introducing legislation to amend the National Trails System Act to clarify federal authority relating to land acquisition from willing sellers. This bill is the companion to Congressman SCOTT MCINNIS' legislation. Congressman MCINNIS has been an advocate for this legislation for many years.

There are 20 trails in the national scenic and historic trail system. These trails are among some of the most beautiful areas in the United States and are deserving of preservation. This bill will enable the federal government to help conserve the special resources of all of these congressionally designated trails, enabling everyone to enjoy the benefit of these trails today and for future generations of Americans tomorrow.

This legislation does not appropriate any money, it only provides the federal government the authority to acquire lands from willing sellers. Once willing sellers are identified, Congress then appropriates the money so that the land can be purchased. It also will help to address the increasing development pressures that threaten the long-range continuity of the National Trails System.

Currently, the federal government only has authority to buy land along 11 of the 20 national scenic and historic trails. This bill gives authority to buy

land from willing sellers along the other nine trails to ensure that the entire trail can be preserved.

There are many unique and special historic sites along the nine affected scenic and historic trails. These sites have been voluntarily protected for several generations by responsible individual families. These families should have the right to sell these irreplaceable places of our nation's heritage to the federal government to continue their protection when and if they choose to do so.

This legislation is a vehicle to help preserve part of our natural heritage. I urge my colleagues to support passage of this bill. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Trails Willing Seller Act of 1999''.

SEC. 2. FINDINGS.

Congress finds that—

(1) despite commendable efforts by the State governments (including political subdivisions) and private volunteer trail groups to develop, operate, and maintain the national scenic and national historic trails, the rate of progress toward developing and completing the trails is slower than anticipated;

(2) Congress authorized several national scenic and historic trails between 1978 and 1986, with restrictions excluding Federal authority for land acquisition;

(3) to develop and complete the authorized trails as intended by Congress, acquisition authority to secure necessary rights-of-way and historic sites and segments specifically excluding condemnation authority should be extended to the head of each Federal agency administering a trail;

(4) to address the problems involving multijurisdictional authority over the national trails system, the head of each Federal agency with jurisdiction over an individual trail—

(A) should cooperate with appropriate officials of States (including political subdivisions) and private persons with an interest in the trails to complete the development of the trails; and

(B) should be granted sufficient authority to purchase land from willing sellers that is critical to the completion of the trails; and

(5) land or interests in land for the authorized components of the National Trails System affected by this Act should only be acquired by the Federal Government only from willing sellers.

SEC. 3. ACQUISITION OF TRAILS FROM WILLING SELLERS.

(a) ACQUISITION AUTHORITY.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) in the fourth sentence of paragraph (11)—

(A) by striking ''No lands or interest therein outside the exterior'' and inserting ''No land or interest in land outside of the exterior''; and

(B) by inserting before the period the following: ''without the consent of the owner of the land or interest''; and

(2) in the fourth sentence of paragraph (14)—

(A) by striking ''No lands or interests therein outside the exterior'' and inserting ''No land or interest in land outside of the exterior''; and

(B) by inserting before the period the following: ''without the consent of the owner of the land or interest''.

(b) EXPENDITURE OF FUNDS.—Section 10(c) of the National Trails System Act (16 U.S.C. 1249(c)) is amended by striking subsection (c) and all that follows through the end of paragraph (1) and inserting the following:

''(c) EXPENDITURE OF FUNDS.—

''(1) TRAILS.—

''(A) IN GENERAL.—Notwithstanding any other provision of law (including any other provision of this Act), except as provided in subparagraph (B), no funds may be expended by the Federal Government for the acquisition of any land or interest in land outside of the exterior boundaries of Federal land that, on the date of enactment of this subparagraph, comprises—

''(i) the Continental Divide National Scenic Trail;

''(ii) the North Country National Scenic Trail;

''(iii) the Ice Age National Scenic Trail;

''(iv) the Oregon National Historic Trail;

''(v) the Mormon Pioneer National Historic Trail;

''(vi) the Lewis and Clark National Historic Trail; and

''(vii) the Iditarod National Historic Trail.

''(B) CONSENT OF LANDOWNER.—The Federal Government may acquire land or an interest in land outside the exterior boundary of Federal land described in subparagraph (A) with the consent of the owner of the land or interest.

''(2) FAILURE TO MAKE PAYMENT.—If the Federal Government fails to make payment in accordance with a contract for sale of land or an interest in land under this subsection, the seller may use all remedies available under all applicable law, including electing to void the sale.''.

By Mr. BREAUX (for himself, Mr. JEFFORDS, Mr. GRASSLEY, Mr. KERRY, and Mr. HATCH):

S. 1732. A bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan; to the Committee on Finance.

PROHIBITED ALLOCATIONS OF S CORPORATIONS STOCK HELD BY AN ESOP

● Mr. BREAUX. Mr. President, I ask that the text of the bill be printed in the RECORD.

The bill follows:

S. 1732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITED ALLOCATIONS OF S CORPORATIONS STOCK HELD BY AN ESOP.

(a) IN GENERAL.—Section 409 of the Internal Revenue Code of 1986 (relating to qualifications for tax credit employee stock ownership plans) is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

''(p) PROHIBITED ALLOCATIONS OF SECURITIES IN AN S CORPORATION.—

''(1) IN GENERAL.—An employee stock ownership plan holding employer securities consisting of stock in an S corporation shall provide that no portion of the assets of the plan attributable to (or allocable in lieu of) such employer securities may, during a nonallocation year, accrue (or be allocated directly or indirectly under any plan of the employer meeting the requirements of section 401(a)) for the benefit of any disqualified person.

''(2) FAILURE TO MEET REQUIREMENTS.—

''(A) IN GENERAL.—If a plan fails to meet the requirements of paragraph (1), the plan shall be treated as having distributed to any disqualified person the amount allocated to the account of such person in violation of paragraph (1) at the time of such allocation.

''(B) CROSS REFERENCE.—

''For excise tax relating to violations of paragraph (1) and ownership of synthetic equity, see section 4979A.

''(3) NONALLOCATION YEAR.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'nonallocation year' means any plan year of an employee stock ownership plan if, at any time during such plan year—

''(i) such plan holds employer securities consisting of stock in an S corporation, and

''(ii) disqualified persons own at least 50 percent of the number of shares of stock in the S corporation.

''(B) ATTRIBUTION RULES.—For purposes of subparagraph (A)—

''(i) IN GENERAL.—The rules of section 318(a) shall apply for purposes of determining ownership, except that—

''(I) in applying paragraph (1) thereof, the members of an individual's family shall include members of the family described in paragraph (4)(D), and

''(II) paragraph (4) thereof shall not apply.

''(ii) DEEMED-OWNED SHARES.—Notwithstanding the employee trust exception in section 318(a)(2)(B)(i), for purposes of determining whether an individual is a disqualified person, such individual shall be treated as owning deemed-owned shares.

''(4) DISQUALIFIED PERSON.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'disqualified person' means any person if—

''(i) the aggregate number of deemed-owned shares of such person and the members of such person's family is at least 20 percent of the number of deemed-owned shares of stock in the S corporation, or

''(ii) in the case of a person not described in clause (i), the number of deemed-owned shares of such person is at least 10 percent of the number of deemed-owned shares of stock in such corporation.

''(B) TREATMENT OF FAMILY MEMBERS.—In the case of a disqualified person described in subparagraph (A)(i), any member of such person's family with deemed-owned shares shall be treated as a disqualified person if not otherwise treated as a disqualified person under subparagraph (A).

''(C) DEEMED-OWNED SHARES.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'deemed-owned shares' means, with respect to any person—

''(I) the stock in the S corporation constituting employer securities of an employee stock ownership plan which is allocated to such person under the plan, and

''(II) such person's share of the stock in such corporation which is held by such plan but which is not allocated under the plan to participants.

''(ii) PERSON'S SHARE OF UNALLOCATED STOCK.—For purposes of clause (i)(II), a person's share of unallocated S corporation stock held by such plan is the amount of the unallocated stock which would be allocated to such person if the unallocated stock were allocated to all participants in the same proportions as the most recent stock allocation under the plan.

''(D) MEMBER OF FAMILY.—For purposes of this paragraph, the term 'member of the family' means, with respect to any individual—

''(i) the spouse of the individual,

''(ii) an ancestor or lineal descendant of the individual or the individual's spouse,

''(iii) a brother or sister of the individual or the individual's spouse and any lineal descendant of the brother or sister, and

''(iv) the spouse of any individual described in clause (ii) or (iii).

A spouse of an individual who is legally separated from such individual under a decree of divorce or separate maintenance shall not be treated as such individual's spouse for purposes of this subparagraph.

''(5) TREATMENT OF SYNTHETIC EQUITY.—For purposes of paragraphs (3) and (4), in the case of a person who owns synthetic equity in the S corporation, except to the extent provided in regulations, the shares of stock in such corporation on which such synthetic equity is based shall be treated as outstanding stock in such corporation and deemed-owned shares of such person if such treatment of synthetic equity of 1 or more such persons results in—

''(A) the treatment of any person as a disqualified person, or

''(B) the treatment of any year as a nonallocation year.

For purposes of this paragraph, synthetic equity shall be treated as owned by a person in the same manner as stock is treated as owned by a person under the rules of paragraphs (2) and (3) of section 318(a).

''(6) DEFINITIONS.—For purposes of this subsection—

''(A) EMPLOYEE STOCK OWNERSHIP PLAN.—The term 'employee stock ownership plan' has the meaning given such term by section 4975(e)(7).

''(B) EMPLOYER SECURITIES.—The term 'employer security' has the meaning given such term by section 409(l).

''(C) SYNTHETIC EQUITY.—The term 'synthetic equity' means any stock option, warrant, restricted stock, deferred issuance stock right, or similar interest or right that gives the holder the right to acquire or receive stock of the S corporation in the future. Except to the extent provided in regulations, synthetic equity also includes a stock appreciation right, phantom stock unit, or similar right to a future cash payment based on the value of such stock or appreciation in such value.

''(7) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary to carry out the purposes of this subsection.''

(b) COORDINATION WITH SECTION 4975(e)(7).—The last sentence of section 4975(e)(7) of such Code (defining employee stock ownership plan) is amended by inserting '', section 409(p),'' after ''409(n)''.

(c) EXCISE TAX.—

(1) APPLICATION OF TAX.—Subsection (a) of section 4979A of such Code (relating to tax on certain prohibited allocations of employer securities) is amended—

(A) by striking ''or'' at the end of paragraph (1),

(B) by striking the period at the end of paragraph (2) and inserting a comma, and

(C) by striking all that follows paragraph (2) and inserting the following:

''(3) there is any allocation of employer securities which violates the provisions of section 409(p), or

''(4) any synthetic equity is owned by a disqualified person in any nonallocation year,

there is hereby imposed a tax on such allocation or ownership equal to 50 percent of the amount involved.''

(2) LIABILITY.—Section 4979A(c) of such Code (defining liability for tax) is amended to read as follows:

''(c) LIABILITY FOR TAX.—The tax imposed by this section shall be paid—

''(1) in the case of an allocation referred to in paragraph (1) or (2) of subsection (a), by—

''(A) the employer sponsoring such plan, or

''(B) the eligible worker-owned cooperative,

which made the written statement described in section 664(g)(1)(E) or in section 1042(b)(3)(B) (as the case may be), and

''(2) in the case of an allocation or ownership referred to in paragraph (3) or (4) of subsection (a), by the S corporation the stock in which was so allocated or owned.''

(3) DEFINITIONS.—Section 4979A(e) of such Code (relating to definitions) is amended to read as follows:

''(e) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) DEFINITIONS.—Except as provided in paragraph (2), terms used in this section have the same respective meanings as when used in sections 409 and 4978.

''(2) SPECIAL RULES RELATING TO TAX IMPOSED BY REASON OF PARAGRAPH (3) OR (4) OF SUBSECTION (a).—

''(A) PROHIBITED ALLOCATIONS.—The amount involved with respect to any tax imposed by reason of subsection (a)(3) is the amount allocated to the account of any person in violation of section 408(p)(1).

''(B) SYNTHETIC EQUITY.—The amount involved with respect to any tax imposed by reason of subsection (a)(4) is the value of the shares on which the synthetic equity is based.

''(C) SPECIAL RULE FOR PROHIBITED ALLOCATION DURING FIRST NONALLOCATION YEAR.—For purposes of subparagraph (A), the amount involved for the first nonallocation year of any employee stock ownership plan shall be determined by taking into account the total value of all the deemed-owned shares of all disqualified persons with respect to such plan.

''(D) STATUTE OF LIMITATIONS.—The statutory period for the assessment of any tax imposed by this section by reason of paragraph (3) or (4) of subsection (a) shall not expire before the date which is 3 years from the later of—

''(i) the allocation or ownership referred to in such paragraph giving rise to such tax, or

''(ii) the date on which the Secretary is notified of such allocation or ownership.''

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2000.

(2) EXCEPTION FOR CERTAIN PLANS.—In the case of any—

(A) employee stock ownership plan established after July 14, 1999, or

(B) employee stock ownership plan established on or before such date if employer securities held by the plan consist of stock in a corporation with respect to which an election under section 1362(a) of the Internal Revenue Code of 1986 is not in effect on such date,

the amendments made by this section shall apply to plan years ending after July 14, 1999.●

By Mr. FITZGERALD (for himself, Mr. LEAHY, Mr. LUGAR, Mr. HARKIN, and Mr. CRAIG):

S. 1733. A bill to amend the Food Stamp Act of 1977 to provide for a national standard of interoperability and portability applicable to electronic food stamp benefit transactions; to the Committee on Agriculture, Nutrition, and Forestry.

THE ELECTRONIC BENEFIT TRANSFER INTEROPERABILITY AND PORTABILITY ACT OF 1999

Mr. FITZGERALD. Mr. President, I rise today with my Colleagues to introduce the Electronic Benefit Transfer Interoperability and Portability Act of 1999. This legislation addresses the problem of food stamp beneficiaries being unable to redeem their benefits in authorized stores that may be located outside their state of residence.

As you may know, Congress passed legislation in 1996 that required the federal government to deliver food stamp benefits electronically, rather than using the paper coupons. Most states have started the process of issuing plastic cards, very similar to ATM cards to access these benefits. The federal government termed this new process, electronic benefits transfer (EBT).

You may have noticed a separate button on the payment terminal in your local supermarket with the designation ''EBT'' or a separate standalone payment terminal to handle these new transactions.

More than half of the country has already switched from the paper coupons to this new EBT card. However, one significant issue is causing problems in the program for retailers, states and recipients. That issue is the inability for recipients to use their state-issued cards across state lines. This is especially true in communities that are near a state border.

Under the old paper system, recipients could use the coupons in any state in the country. Under the new electronic system, that is currently not the case. Customers go into a food store expecting to use their federal benefits to purchase food and when they cannot use their EBT cards, they become frustrated and dissatisfied with the food stamp program.

For example, under the old system, a food stamp recipient living in Palmyra, MO could use their food stamp coupons in their favorite grocery store in Quincy, IL just over the Illinois border. Similarly, a recipient living in Illinois could visit family in Tennessee and still purchase food for their children. Food stamp beneficiaries are not unlike the average shopper. Cross border shopping occurs for a variety of reasons. One reason is convenience; another equally important one is the cost of groceries. The supermarket industry is very competitive. Customers paying with every type of tender except EBT have the ability to shop around for the best prices. Shouldn't recipients of our nation's federal food assistance benefits be able to stretch their dollars without regard to state borders?

Another reason is convenience. While one of my constituents may live in the metro east area, they might work in St. Louis. Under the current situation, if the only grocery store between their work and their home is in Missouri, the recipient cannot purchase food without traveling out of their way.

The legislation I am introducing today would once again, provide for the portability of food assistance benefits and allow food stamp recipients the flexibility of shopping at locations that they choose.

Interoperability works well today with ATM/Debit cards, the type of cards that EBT was modeled after. Consumers and merchants are confident that when a MAC card issued by a bank in Pittsburgh is presented, authorization and settlement of that transaction will work the same as when a Star card, issued by Bank of America in California is presented. This occurs regardless of where the merchant is located.

Unfortunately, this is currently not the case with EBT cards. If every state operated their EBT program under a standard set of operating rules as this legislation requires, companies operating in multiple states could be more efficient, resolve any discrepancies in customer accounts more quickly and ultimately hold down the price of groceries for all consumers.

This legislation I am introducing is very straightforward. Specifically, the legislation:

Requires interoperability by October 1, 2002, with a few exceptions needing a waiver;

Requires USDA to ''adopt'' the national standard used by the majority of the States;

Requires USDA to pay for all interoperability costs (currently estimated by Benton International to be no more than a maximum of $500,000 annually when all states are on EBT systems or $160,000 for the current year), significantly less than the $20 million USDA pays annually to the Federal Reserve to redeem coupons;

Requires contracts entered into after the date when the national standard is adopted to use the standard, and for USDA to pay the interoperability costs;

Includes transitional funding for states currently using a national standard. Upon enactment, FNS will pay 100 percent of the costs of interoperability fees for current states using a national standard (While the interoperability pilot sponsored by NACHA is due to expire in September, this would allow those states and beneficiaries in states participating in the pilot to continue to have interoperable transactions beyond the pilot period without interruption.);

Requires current contracts that are not using the national standard to convert at the point of a new contract;

Includes a waiver process for current states with significant technological challenges to provide time to convert to the national standard (This is intended to cover current smart card states).

This legislation is more about good government than it is about food stamps. Since 1996, the transition from paper coupons to electronic benefit transfer has saved the federal government a significant amount of money. For example, while the food stamp caseload decreased 24 percent from fiscal year 1995 to 1998, food stamp production and redemption costs dropped by an impressive 39 percent. While it is estimated that the bill's implementation will cost the federal government no more than $500,000 annually, it will save at least $20 million per year when paper coupons are a thing of the past.

This legislation is sound public policy that enjoys bipartisan support. I thank my Colleagues, Senators LEAHY, LUGAR, HARKIN and CRAIG, for joining me as co-sponsors of this bill. I would stress to my fellow Senators that this legislation is vitally important to every food stamp recipient, every state food stamp program administrator and every grocery store nationwide. I ask each of you to join me as co-sponsors of this important legislation.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Electronic Benefit Transfer Interoperabilty and Portability Act of 1999''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to protect the integrity of the food stamp program;

(2) to ensure cost-effective portability of food stamp benefits across State borders without imposing additional administrative expenses for special equipment to address problems relating to the portability;

(3) to enhance the flow of interstate commerce involving electronic transactions involving food stamp benefits under a uniform national standard of interoperability and portability; and

(4) to eliminate the inefficiencies resulting from a patchwork of State-administered systems and regulations established to carry out the food stamp program

SEC. 3. INTEROPERABILTY AND PORTABILITY OF FOOD STAMP TRANSACTIONS.

Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by adding at the end the following:

''(k) INTEROPERABILTY AND PORTABILITY OF ELECTRONIC BENEFIT TRANSFER TRANSACTIONS.—

''(1) DEFINITIONS.—In this subsection:

''(A) ELECTRONIC BENEFIT TRANSFER CARD.—The term 'electronic benefit transfer card' means a card that provides benefits under this Act through an electronic benefit transfer service (as defined in subsection (i)(11)(A)).

''(B) ELECTRONIC BENEFIT TRANSFER CONTRACT.—The term 'electronic benefit transfer contract' means a contract that provides for the issuance, use, or redemption of coupons in the form of electronic benefit transfer cards.

''(C) INTEROPERABILTY.—The term 'interoperability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be redeemed in any State.

''(D) INTERSTATE TRANSACTION.—The term 'interstate transaction' means a transaction that is initiated in 1 State by the use of an electronic benefit transfer card that is issued in another State.

''(E) PORTABILITY.—The term 'portability' means a system that enables a coupon issued in the form of an electronic benefit transfer card to be used in any State by a household to purchase food at a retail food store or wholesale food concern approved under this Act.

''(F) SETTLING.—The term 'settling' means movement, and reporting such movement, of funds from an electronic benefit transfer card issuer that is located in 1 State to a retail food store, or wholesale food concern, that is located in another State, to accomplish an interstate transaction.

''(G) SMART CARD.—The term 'smart card' means an intelligent benefit card described in section 17(f).

''(H) SWITCHING.—The term 'switching' means the routing of an interstate transaction that consists of transmitting the details of a transaction electronically recorded through the use of an electronic benefit transfer card in 1 State to the issuer of the card that is in another State.

''(2) REQUIREMENT.—Not later than October 1, 2002, the Secretary shall ensure that systems that provide for the electronic issuance, use, and redemption of coupons in the form of electronic benefit transfer cards are interoperable, and food stamp benefits are portable, among all States.

''(3) COST.—The cost of achieving the interoperability and portability required under paragraph (2) shall not be imposed on any food stamp retail store, or any wholesale food concern, approved to participate in the food stamp program.

''(4) STANDARDS.—Not later than 120 days after the date of enactment of this subsection, the Secretary shall promulgate regulations that—

''(A) adopt a uniform national standard of interoperability and portability required under paragraph (2) that is based on the standard of interoperability and portability used by a majority of State agencies.

''(B) require that any electronic benefit transfer contract that is entered into 30 days or more after the regulations are promulgated, by or on behalf of a State agency, provide for the interoperability and portability required under paragraph (2) in accordance with the national standard.

''(5) EXEMPTIONS—

''(A) WAIVER.—At the request of a State agency, the Secretary may provide 1 waiver to temporarily exempt, for a period ending on or before the date specified under clause (iii), the State agency from complying with the requirements of paragraph (2), if the State agency—

''(i) establishes to the satisfaction of the Secretary that the State agency faces unusual technological barriers to achieving by October 1, 2002, the interoperability and portability required under paragraph (2);

''(ii) demonstrates that the best interest of food stamp benefit households and of the food stamp program would be served by granting the waiver with respect to the electronic benefit transfer system used by the State agency to administer the food stamp program; and

''(iii) specifies a date by which the State agency will achieve the interoperability and portability required under paragraph (2).

''(B) SMART CARD SYSTEMS.—The Secretary shall allow a State agency that is using smart cards for the delivery of food stamp program benefits to comply with the requirements of paragraph (2) at such time after October 1, 2002, as the Secretary determines that a practicable technological method is available for interoperability with electronic benefit transfer cards.

''(6) FUNDING.—

''(A) IN GENERAL.—In accordance with regulations promulgated by the Secretary, the Secretary shall pay 100 percent of the costs incurred by a State agency under this Act for switching and settling interstate transactions—

''(i) incurred after the date of enactment of this subsection and before October 1, 2002, if

the State agency uses the standard of interoperability and portability adopted by a majority of State agencies; and

''(ii) incurred after September 30, 2002, if the State agency uses the uniform national standard of interoperability and portability adopted under paragraph (4)(A).

''(B) LIMITATION.—The total amount paid to State agencies for each fiscal year under subparagraph (A) shall not exceed $500,000.''.

SEC. 4. STUDY OF ALTERNATIVES FOR HANDLING ELECTRONIC BENEFIT TRANSACTIONS INVOLVING FOOD STAMP BENEFITS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall study and report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate on alternatives for handling interstate electronic benefit transactions involving food stamp benefits provided under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including the feasibility and desirability of a single hub for switching (as defined in section 7(k)(1) of that Act (as added by section 3)).

Mr. LEAHY. Mr. President, I am proud to join Senator FITZGERALD in cosponsoring the Electronic Benefit Interoperability and Portability Act of 1999.

The Food Stamp Program has been critical to diminishing hunger and improving nutrition and health throughout our country. As the country's largest source of food aid, approximately 18 million people—half of which are children—receive food stamp benefits every month. In my home State of Vermont, more than 20,000 households depend on food stamps to help feed their families.

In an effort to strengthen and streamline the Food Stamp Program, three years ago Congress mandated that every State switch to an Electronic Benefits Transfer system for distributing food stamp benefits. Operating like ATM or credit card machines at cash registers, EBT streamlines food stamps by eliminating the cumbersome paper system.

The implementation of the EBT system was left up to the States, and nearly 40 States currently have switched to this new system. EBT has already demonstrated itself to be a more efficient system for distributing food stamp benefits, and it promises to help reduce food stamp fraud.

However, three years into the implementation of EBT, a problem has arisen—some State EBT systems do not match up with neighboring State EBT systems, leaving residents of border communities unable to utilize their food stamp benefits across State lines. This Federal benefit program has always been recognized and redeemable in every State, irrespective of where the actual food stamps were issued.

For some of our more rural States, the inability to access food stamp benefits across State lines could mean the difference between traveling a few miles to a grocery store in the next State to traveling an hour or more to the closest grocery store in one's home State. Clearly, this creates quite a burden.

The bill which we are introducing today would correct this oversight by requiring the U.S. Department of Agriculture to adopt a national EBT standard, and requiring that all States be EBT interoperable by 2002.

Vermont Commissioner of Social Welfare Jane Kitchel has voiced her support for this bill, as has the New England Convenience Store Association.

Mr. President, I would like to thank Senator FITZGERALD for all of his work on this issue. I believe that this bill will help make the Food Stamp Program more streamlined and efficient, and I am proud to cosponsor this legislation.

By Mr. DURBIN (for himself and Mr. FITZGERALD):

S. 1734. A bill to authorize the Secretary of the Interior to contribute funds for the establishment of an interpretive center on the life and contributions of President Abraham Lincoln; to the Committee on Energy and Natural Resources.

ABRAHAM LINCOLN PRESIDENTIAL LIBRARY

● Mr. DURBIN. Mr. President, today I am pleased to be joined by my Illinois colleague, Senator FITZGERALD, in introducing legislation that would authorize an important Department of the Interior project—the Abraham Lincoln Presidential Library in Springfield, Illinois.

I should begin by confessing a Lincoln bias. Obviously, I'm an Illinoisan, but I hail from the same city, Springfield, that Abraham Lincoln once called home. I practiced law in an office not far from the historic Lincoln-Herndon Law Office. I also represented a district in the U.S. House of Representatives that included portions of the district Congressman Abraham Lincoln represented in the 30th Congress—1847 to 1849. My home state, the ''Land of Lincoln,'' holds the former President in very high regard.

Abraham Lincoln is considered to be one of our nation's greatest Presidents. Yet, his works and the story of his life and public service are spread over numerous historic sites, monuments, museums, and private collections of Lincoln memorabilia. The State of Illinois has a more than 42,000-item Lincoln Collection which contains national treasures such as the Gettysburg Address, the Emancipation Proclamation, and Lincoln's Second Inaugural Address. The Collection is part of the State's 12-million-item historical library, which is the nation's only public institution engaged in ongoing research on the life and legacy of Abraham Lincoln.

Currently, 13 former Presidents, including Confederate leader Jefferson Davis, have presidential libraries. Our 16th President certainly deserves such a facility so children and people from around the world can learn from the excellent examples Lincoln set during his life and his Presidency and historians can continue to discover more about the man who preserved the Union.

The Abraham Lincoln Presidential Library would serve as a state-of-the-art, interactive library, museum, and interpretative center where visitors could learn about Abraham Lincoln and the events and places that shaped his life and the history of our country. It would also serve as an academic archive and research facility for scholars to study Illinois' collection of Lincoln documents and personal effects.

The legislation we are introducing today would require that for every dollar of federal funds directed toward this project, two dollars must come for other non-federal sources. The State of Illinois and the City of Springfield have already pledged significant financial support for the Library. Also, it is important to note that the U.S. Department of the Interior is not being asked to operate or maintain the facility. The State of Illinois, through the Illinois Historic Preservation Agency, would run the day-to-day operations and handle upkeep of the Library.

Mr. President, the Illinois Congressional Delegation, Illinois Governor George Ryan, and the City of Springfield strongly support this important project and this authorizing legislation. I urge my colleagues to join me and Senator FITZGERALD in constructing a lasting legacy for Abraham Lincoln.●

ADDITIONAL COSPONSORS

S. 31

At the request of Mr. THURMOND, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 31, a bill to amend title 1, United States Code, to clarify the effect and application of legislation.

S. 285

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 285, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 631

At the request of Mr. DEWINE, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 631, a bill to amend the Social Security Act to eliminate the time limitation on benefits for immunosuppressive drugs under the medicare program, to provide continued entitlement for such drugs for certain individuals after medicare benefits end, and to extend certain medicare secondary payer requirements.

S. 662

At the request of Mr. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 662, a bill to amend title

XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

S. 777

At the request of Mr. FITZGERALD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 777, a bill to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

S. 784

At the request of Mr. ROCKEFELLER, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 784, a bill to establish a demonstration project to study and provide coverage of routine patient care costs for medicare beneficiaries with cancer who are enrolled in an approved clinical trial program.

S. 808

At the request of Mr. JEFFORDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to provide tax incentives for land sales for conservation purposes.

S. 1133

At the request of Mr. GRAMS, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1133, a bill to amend the Poultry Products Inspection Act to cover birds of the order Ratitae that are raised for use as human food.

S. 1187

At the request of Mr. DORGAN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1187, a bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Lewis and Clark Expedition, and for other purposes.

S. 1277

At the request of Mr. GRASSLEY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1277, a bill to amend title XIX of the Social Security Act to establish a new prospective payment system for Federally-qualified health centers and rural health clinics.

S. 1291

At the request of Mr. DEWINE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

S. 1304

At the request of Mrs. MURRAY, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1304, a bill to amend the Family and Medical Leave Act of 1993 to allow employees to take school involvement leave to participate in the academic school activities of their children or to participate in literacy training, and for other purposes.

S. 1488

At the request of Mr. GORTON, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from California (Mrs. FEINSTEIN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

S. 1547

At the request of Mr. BURNS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 1547, a bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes.

S. 1571

At the request of Mr. JEFFORDS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1571, A bill to amend title 38, United States Code, to provide for permanent eligibility of former members of the Selected Reserve for veterans housing loans.

S. 1590

At the request of Mr. CRAPO, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1590, a bill to amend title 49, United States Code, to modify the authority of the Surface Transportation Board, and for other purposes.

S. 1623

At the request of Mr. SPECTER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1623, a bill to select a National Health Museum site.

S. 1666

At the request of Mr. LUGAR, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1666, a bill to provide risk education assistance to agricultural producers, and for other purposes.

SENATE RESOLUTION 118

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of Senate Resolution 118, a resolution designating December 12, 1999, as ''National Children's Memorial Day.''

SENATE CONCURRENT RESOLUTION 59—URGING THE PRESIDENT TO NEGOTIATE A NEW BASE RIGHTS AGREEMENT WITH THE GOVERNMENT OF PANAMA IN ORDER FOR UNITED STATES ARMED FORCES TO BE STATIONED IN PANAMA AFTER DECEMBER 31, 1999

Mr. SMITH of New Hampshire (for himself, Mr. BROWNBACK, and Mr. HELMS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 59

Whereas the Panama Canal remains a vital economic and strategic asset to the United States, its allies, and the world;

Whereas the United States has maintained a military presence in Panama since Panama gained its independence in 1903, ensuring the protection of the Canal and its unfettered operations;

Whereas the United States Armed Forces have depended upon the Panama Canal for rapid transit in times of global conflict, including during World War II, the Korean War, the Vietnam War, the Cuban Missile Crisis, and the Persion Gulf War;

Whereas the 1977 Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal provides that Panama and the United States have the joint responsibility to ensure that the Panama Canal will remain open and secure, and provides that each signatory, in accordance with their constitutional processes, shall defend the Canal against any threat to its neutrality and shall have the right to act against threats against the peaceful transit of vessels through the Canal;

Whereas the Government of Panama, in the bilateral Protocol of Exchange of instruments of ratification, agreed to consider negotiating future arrangements or agreements to maintain military forces necessary to fulfill the responsibility of both signatories to maintain the neutrality of the Canal;

Whereas the common interests of Panama and the United States have produced close relations between the two nations and a shared interest in protecting the Canal and its operations;

Whereas public opinion surveys in Panama consistently demonstrate that an estimated 70 percent of the people of Panama support a continued United States military presence in Panama;

Whereas Panama and the United States are both confronting growing problems with illegal drug trafficking, money laundering, and narcoterrorism in the Western Hemisphere, and those problems threaten peace and security in the region;

Whereas facilities now utilized by the United States Armed Forces in Panama are essential to the coordination of any counternarcotic efforts in the region;

Whereas the Revolutionary Armed Forces of Colombia (FARC), a narco-trafficking terrorist organization, is operating from Panamanian territory and poses a risk to the security of Panama and to the stability of Latin America;

Whereas the former United States Ambassador to Panama and others have protested the lack of transparency and the unorthodox bidding process in the granting of leases for the port facilities at Balboa and Cristobal in 1997 during the Administration of former Panamanian President Balladares; and

Whereas the passage of Panama Law Number 5 and the lease agreements for the port facilities at Balboa and Cristobal, because of

reputed affiliations between the leaseholder and the People's Republic of China and the People's Liberation Army, have created concern about the future security of the Canal and its continued unfettered operations and the future disposition of United States facilities in Panama: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) the President should negotiate a new base rights agreement with the newly inaugurated Government of Panama—

(A) to permit stationing of United States Armed Forces in Panama beyond December 31, 1999; and

(B) to ensure that the Panama Canal remains open, secure, and neutral, consistent with the Panama Canal Treaty, the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, and the resolutions of ratification thereto;

(2) the President should ensure that United States military facilities which could be utilized for stationing of United States Armed Forces shall be fully maintained and secured if the Government of Panama is willing to enter into good faith negotiations for a continued United States military presence; and

(3) the President should consult with Congress throughout the negotiations described in paragraph (1).

SEC. 2. The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

AMENDMENTS SUBMITTED

BIPARTISAN CAMPAIGN REFORM ACT OF 1999

MCCONNELL AMENDMENT NO. 2293

Mr. MCCONNELL proposed an amendment to the bill (S. 1593) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; as follows:

At the appropriate place, insert the following:

SEC. . REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION.

The Standing Rules of the Senate are amended by adding at the end the following:

''RULE XLIV

''REQUIRING SENATORS TO REPORT CREDIBLE INFORMATION OF CORRUPTION

''(a) A Senator shall report to the Select Committee on Ethics any credible information available to him or her that indicates that any Senator may have—

''(1) violated the Senate Code of Office Conduct;

''(2) violated a law; or

''(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Senators.

''(b) Information may be reported under subsection (a) to the Chairman, the Vice Chairman, a Committee member, or the staff director of the Select Committee on Ethics.''.

SEC. . BRIBERY PENALTIES FOR PUBLIC OFFICIALS.

Section 201(b) of title 18, United States Code, is amended by inserting before the period at the end the following: '', except that, with respect to a person who violates paragraph (2), the amount of the fine under this subsection shall be not less than $100,000, the term of imprisonment shall be not less than 1 year, and such person shall be disqualified from holding any office of honor, trust, or profit under the United States''.

MCCAIN AMENDMENT NO. 2294

Mr. MCCAIN proposed an amendment to the bill, S. 1593, supra; as follows:

At the end of the bill, add the following:

SEC. . DISCLOSURE REQUIREMENTS FOR CERTAIN MONEY EXPENDITURES OF POLITICAL PARTIES.

(a) TRANSFERS OF FUNDS BY NATIONAL POLITICAL PARTIES.—Section 304(b)(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(b)(4)) is amended—

(1) by striking ''and'' at the end of subparagraph (H);

(2) by adding ''and'' at the end of subparagraph (I); and

(3) by adding at the end the following new subparagraph:

''(J) in the case of a political committee of a national political party, all funds transferred to any political committee of a State or local political party, without regard to whether or not the funds are otherwise treated as contributions or expenditures under this title;''.

(b) DISCLOSURE BY STATE AND LOCAL POLITICAL PARTIES OF INFORMATION REPORTED UNDER STATE LAW.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434), as amended by section 4, is amended by adding at the end the following:

''(e) If a political committee of a State or local political party is required under a State or local law to submit a report to an entity of State or local government regarding its disbursements, the committee shall file a copy of the report with the Commission at the same time it submits the report to such entity.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to elections occurring after January 2001.

SEC. ___. PROMOTING EXPEDITED AVAILABILITY OF FEC REPORTS.

(a) MANDATORY ELECTRONIC FILING.—Section 304(a)(11)(A) of the Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(11)(A)) is amended by striking ''permit reports required by'' and inserting ''require reports under''.

(b) REQUIRING REPORTS FOR ALL CONTRIBUTIONS MADE TO ANY POLITICAL COMMITTEE WITHIN 90 DAYS OF ELECTION; REQUIRING REPORTS TO BE MADE WITHIN 24 HOURS.—Section 304(a)(6) of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)(6)) is amended to read as follows:

''(6)(A) Each political committee shall notify the Secretary or the Commission, and the Secretary of State, as appropriate, in writing, of any contribution received by the committee during the period which begins on the 90th day before an election and ends at the time the polls close for such election. This notification shall be made within 24 hours (or, if earlier, by midnight of the day on which the contribution is deposited) after the receipt of such contribution and shall include the name of the candidate involved (as appropriate) and the office sought by the candidate, the identification of the contributor, and the date of receipt and amount of the contribution.

''(B) The notification required under this paragraph shall be in addition to all other reporting requirements under this Act.''.

(c) INCREASING ELECTRONIC DISCLOSURE.—Section 304 of Federal Election Campaign Act of 1971 (2 U.S.C. 434(a)), as amended by section 6(b), is amended by adding at the end the following:

''(f) The Commission shall make the information contained in the reports submitted under this section available on the Internet and publicly available at the offices of the Commission as soon as practicable (but in no case later than 24 hours) after the information is received by the Commission.''.

(d) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to reports for periods beginning on or after January 1, 2001.

THE VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION ACT OF 1999

MURKOWSKI AMENDMENT NO. 2295

Mr. SANTORUM (for Mr. MURKOWSKI) proposed an amendment to the bill (H.R. 659) to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

''SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pennsylvania Battlefields Protection Act of 1999''.

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the ''Paoli Battlefield'', located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled ''Paoli Battlefield'' numbered 80,000 and dated April 1999 (referred to in this title as the ''Paoli Battlefield''). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefields's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(A) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled ''Brandywine Battlefield—Meetinghouse Road Corridor'', numbered 80,000 and dated April 1999 (referred to in this title as the ''Brandywine

Battlefield''). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

(a) The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the ''Society''), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 203 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Amend the title so as to read: ''An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.''

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORICAL SITE ACT

DEWINE AMENDMENT NO. 2296

Mr. SANTORUM (for Mr. DEWINE) proposed an amendment to the bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio; as follows:

Beginning on page 10, strike line 23 and all that follows through page 11, line 11, and insert the following:

(4) The term ''management entity'' means the Metropolitan Park District of the Toledo Area.

On page 15, line 7, strike ''use or disposal'' and insert ''use, or disposal''.

On page 15, line 13, strike ''use of disposal'' and insert ''use, or disposal''.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

AKAKA AMENDMENT NO. 2297

Mr. SANTORUM (for Mr. AKAKA) proposed an amendment to the bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes; as follows:

On page 2, after line 11, insert the following new sections:;

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawaii Volcanoes National Park'' each place it appears and inserting ''Hawai'i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai'i Volcanoes National Park''.

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakalā National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakalā National Park''.

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''HALOKO-HONOKŌHAU'' and inserting ''HALOKO-HONOKŌHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokōhau''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to ''Kaloko-Honokōhau National Historical Park''.

(d) PUÙHONUA O HŌAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical Park'' each place it appears and inserting ''Puùhonua o Hōnaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Puùhonua o Hōnaunau National Historical Park''.

(e) PUÙKOHOLĀ HEIAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 93–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National Historic Site'' each place it appears and inserting ''Puùkoholā Heiau National Historic Site''.

(2) References.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Puùkoholā Heiau National Historic Site''.

SEC. 4. CONFORMING AMENDMENTS

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai'i Volcanoes''.

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakalā''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, be allowed to meet during the session of the Senate on Thursday, October 14, 1999. The purpose of this meeting will be to discuss risk management and crop insurance.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 9:30 a.m., on Thursday, October 14, 1999, in open session, to receive testimony on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BENNETT. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 14, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 1683, a bill to make technical changes to the Alaska Lands Conservation Act; S. 1686, a bill to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and for other purposes; S. 1702, a bill to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native Children and their descendants, and for other purposes; H.R. 2841, a bill to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and for other purposes; and H.R. 2368, the Bikini Resettlement and Relocation Act of 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BENNETT. Mr. President, the Committee on the Judiciary requests unanimous consent to conduct a markup on Thursday, October 14, 1999 beginning at 10 a.m. in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BENNETT. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, October 14, 1999 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON THE YEAR 2000 TECHNOLOGY PROBLEM

Mr. BENNETT. Mr. President, I ask unanimous consent that the Special Committee on the Year 2000 Technology Problem be permitted to meet on October 14, 1999 at 9:30 a.m. for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Thursday, October 14, 9 a.m., Hearing Room (SD–406), on the reauthorization of the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. BENNETT. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, October 14, for purposes of conducting a Subcommittee on Forests and Public Lands Management hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to receive testimony on S. 610, a bill to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, and for other purposes; S. 1218, a bill to direct the Secretary of the interior to issue the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, and for other purposes; S. 1343, a bill to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery; S. 408, a bill to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center; S. 1629, a bill to provide for the exchange of certain land in the state of Oregon; and S. 1599, a bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with the Black Hills National Forest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INVESTIGATIONS

Mr. BENNETT. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Governmental Affairs Committee be permitted to meet on Thursday, October 14, 1999, at 9:30 a.m., for a hearing entitled ''Conquering Diabetes: Are We Taking Full Advantage of the Scientific Opportunities For Research?.''

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BENNETT. Mr. President, I ask unanimous consent that the subcommittee on near Eastern and South Asian Affairs be authorized to meet during the session of the Senate on Thursday, October 14, 1999 at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

STAR PRINT—S. 1678

Mr. SANTORUM. Mr. President, I ask unanimous consent that the S. 1678 be star printed with changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

PENNSYLVANIA BATTLEFIELDS PROTECTION ACT OF 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that H.R. 659 be discharged from the Energy Committee, and further, the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative assistant read as follows:

A bill (H.R. 659) to authorize appropriations for protection of Paoli and Brandywine Battlefields in Pennsylvania, to direct the National Park Service to conduct a special resource study of Paoli and Brandywine Battlefields, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 2295

Mr. SANTORUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative assistant read as follows:

The Senator from Pennsylvania [Mr. SANTORUM], FOR MR. MURKOWSKI, proposes an amendment numbered 2295.

Mr. SANTORUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

''SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pennsylvania Battlefields Protection Act of 1999''.

TITLE I—PAOLI AND BRANDYWINE BATTLEFIELDS

SEC. 101. PAOLI BATTLEFIELD PROTECTION.

(a) PAOLI BATTLEFIELD.—The Secretary of the Interior (hereinafter referred to as the ''Secretary'') is authorized to provide funds to the borough of Malvern, Pennsylvania, for the acquisition of the area known as the ''Paoli Battlefield'', located in the borough of Malvern, Pennsylvania, as generally depicted on the map entitled ''Paoli Battlefield'' numbered 80,000 and dated April 1999 (referred to in this title as the ''Paoli Battlefield''). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the borough of Malvern, Pennsylvania, for the management by the borough of the Paoli Battlefield. The Secretary may provide technical assistance to the borough of Malvern to assure the preservation and interpretation of the Paoli Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,250,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the Paoli Battlefields's resources.

SEC. 102. BRANDYWINE BATTLEFIELD PROTECTION.

(A) BRANDYWINE BATTLEFIELD.—

(1) IN GENERAL.—The Secretary is authorized to provide funds to the Commonwealth of Pennsylvania, a political subdivision of the Commonwealth, or the Brandywine Conservancy, for the acquisition, protection, and preservation of land in an area generally known as the Meetinghouse Road Corridor, located in Chester County, Pennsylvania, as depicted on a map entitled ''Brandywine Battlefield—Meetinghouse Road Corridor'', numbered 80,000 and dated April 1999 (referred to in this title as the ''Brandywine Battlefield''). The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(2) WILLING SELLERS OR DONORS.—Lands and interests in land may be acquired pursuant to this section only with the consent of the owner thereof.

(b) COOPERATIVE AGREEMENT AND TECHNICAL ASSISTANCE.—The Secretary shall enter into a cooperative agreement with the same entity that is provided funds under subsection (a) for the management by the entity of the Brandywine Battlefield. The Secretary may also provide technical assistance to the entity to assure the preservation and interpretation of the Brandywine Battlefield's resources.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 to carry out this section. Such funds shall be expended in the ratio of one dollar of Federal funds for each dollar of funds contributed by non-Federal sources. Any funds provided by the Secretary shall be subject to an agreement that provides for the protection of the battlefield's resources.

TITLE II—VALLEY FORGE NATIONAL HISTORICAL PARK

SEC. 201. PURPOSE.

(a) The purpose of this title is to authorize the Secretary of the Interior to enter into an agreement with the Valley Forge Historical Society (hereinafter referred to as the ''Society''), to construct and operate a museum within the boundary of Valley Forge National Historical Park in cooperation with the Secretary.

SEC. 202. VALLEY FORGE MUSEUM OF THE AMERICAN REVOLUTION AUTHORIZATION.

(a) AGREEMENT AUTHORIZED.—The Secretary of the Interior, in administering the Valley Forge National Historical Park, is authorized to enter into an agreement under appropriate terms and conditions with the Society to facilitate the planning, construction, and operation of Valley Forge Museum of the American Revolution on Federal land within the boundary of Valley Forge National Historical Park.

(b) CONTENTS AND IMPLEMENTATION OF AGREEMENT.—An agreement entered into under subsection (a) shall—

(1) authorize the Society to develop and operate the museum pursuant to plans developed by the Secretary and to provide at the museum appropriate and necessary programs and services to visitors to Valley Forge National Historical Park related to the story of Valley Forge and the American Revolution;

(2) only be carried out in a manner consistent with the General Management Plan and other plans for the preservation and interpretation of the resources and values of Valley Forge National Historical Park;

(3) authorize the Secretary to undertake at the museum activities related to the management of Valley Forge National Historical Park, including, but not limited to, provision of appropriate visitor information and interpretive facilities and programs related to Valley Forge National Historical Park;

(4) authorize the Society, acting as a private nonprofit organization, to engage in activities appropriate for operation of the museum that may include, but are not limited to, charging appropriate fees, conducting events, and selling merchandise, tickets, and food to visitors to the museum;

(5) provide that the Society's revenues from the museum's facilities and services shall be used to offset the expenses of the museum's operation; and

(6) authorize the Society to occupy the museum so constructed for the term specified in the Agreement and subject to the following terms and conditions:

(A) The conveyance by the Society to the United States of all right, title, and interest in the museum to be constructed at Valley Forge National Historical Park.

(B) The Society's right to occupy and use the museum shall be for the exhibition, preservation, and interpretation of artifacts associated with the Valley Forge story and the American Revolution, to enhance the visitor experience of Valley Forge National Historical Park, and to conduct appropriately related activities of the society consistent with its mission and with the purposes for which the Valley Forge National Historical Park was established. Such right shall not be transferred or conveyed without the express consent of the Secretary.

(C) Any other terms and conditions the Secretary determines to be necessary.

SEC. 203. PRESERVATION AND PROTECTION.

Nothing in this title authorizes the Secretary or the Society to take any actions in derogation of the preservation and protection of the values and resources of Valley Forge National Historical Park. An agreement entered into under section 203 shall be construed and implemented in light of the high public value and integrity of the Valley Forge National Historical Park and the National Park System.

Amend the title so as to read: ''An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.''.

Mr. SANTORUM. Mr. President, I thank all of those who have been involved in trying to clear this piece of legislation. This is a very important piece of legislation for the preservation of the Paoli and Brandywine Battlefields. There is money in the Interior Appropriations bill to help with the State and local funds to combine to purchase a piece of the battlefield that would otherwise be sold for development. It would be a real tragedy to lose a Revolutionary War battlefield because of inaction in the Senate.

I appreciate the bipartisan support we had to clear this particular bill because the deadline is tomorrow. The development contract would have been exercised, and we would not have been able to purchase this land by clearing this bill today in time to get that done. It is very important to the people in that community.

I thank the minority leader, Senator DASCHLE, Senator BINGAMAN, Senator JOHNSON, and many others who were involved in helping to clear this issue on the Democratic side, and I certainly thank Senator MURKOWSKI for his effort in putting that together on the Republican side. Obviously, the sponsors of the bill, Senator SPECTER and myself, are appreciative of the work that was done to take this bill out of what is a very big stack of bills that I know many Members want to have moved in the Senate and to treat this specially because of the time sensitivity. At a time when comity is short because of how difficult these last few weeks have been, people have put those kinds of differences aside and recognized what is in the best interest of all involved. That speaks volumes for both sides of the aisle. So I want to commend, in a time of difficulty, and maybe even rancor, the people who put their differences aside and did do what is right. It is a heartening thing to me personally, and it is certainly something that I will long remember and appreciate.

Mr. President, I ask unanimous consent that the amendment be agreed to, the bill, as amended, be read the third time and passed, the title amendment be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2295) was agreed to.

The bill (H.R. 659), as amended, was read the third time and passed.

The bill will be printed in a future edition of the RECORD.

The title was amended so as to read: An Act to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and for other purposes.

THE CALENDAR

Mr. SANTORUM. Mr. President, I now ask unanimous consent that the Senate proceed en bloc to the following bills on the calendar: Calendar No. 134, S. 548; Calendar No. 174, S. 938; Calendar No. 173, S. 762.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I ask unanimous consent that amendment No. 2296 to S. 548 be agreed to and amendment No. 2297 to S. 938 be agreed to.

I further ask unanimous consent that any committee amendment, if applicable, be agreed to, the bills be read a third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to any of

these bills be printed in the RECORD, with the above occurring en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORICAL SITE ACT

The Senate proceeded to consider the bill (S. 548) to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999''.

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

(1) The term ''historic site'' means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term ''management plan'' means the general management plan developed pursuant to section 5(d).

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''management entity'' means one representative from each of the following organizations:

(A) The Ohio Historical Society;

(B) The City of Maumee;

(C) The Maumee Valley Heritage Corridor;

(D) The Fallen Timbers Battlefield Preservation Commission;

(E) Heidelberg College;

(F) The City of Toledo;

(G) The Metropark District of the Toledo Area; and

(H) any other 2 organizations designated by the Governor of Ohio.

(5) The term ''technical assistance'' means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the ''Advance of the Frontier, 1763–1830''.

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS–FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/I–475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF HISTORIC SITES.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use of disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

Amendment No. 2296 was agreed to as follows:

Beginning on page 10, strike line 23 and all that follows through page 11, line 11, and insert the following:

(4) The term ''management entity'' means the Metropolitan Park District of the Toledo Area.

On page 15, line 7, strike ''use or disposal'' and insert ''use, or disposal''.

On page 15, line 13, strike ''use or disposal'' and insert ''use, or disposal''.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 548), as amended, was passed, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Fallen Timbers Battlefield and Fort Miamis National Historic Site Act of 1999''.

SEC. 2. DEFINITIONS.

As used in this Act:

(a) DEFINITIONS.—

(1) The term ''historic site'' means the Fallen Timbers Battlefield and Monument and Fort Miamis National Historic Site established by section 4 of this Act.

(2) The term ''management plan'' means the general management plan developed pursuant to section 5(d).

(3) The term ''Secretary'' means the Secretary of the Interior.

(4) The term ''management entity'' means the Metropolitan Park District of the Toledo Area.

(5) The term ''technical assistance'' means any guidance, advice, or other aid, other than financial assistance, provided by the Secretary.

SEC. 3. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The 185-acre Fallen Timbers Battlefield is the site of the 1794 battle between General Anthony Wayne and a confederation of Native American tribes led by Little Turtle and Blue Jacket.

(2) Fort Miamis was occupied by General Wayne's legion from 1796 to 1798.

(3) In the spring of 1813, British troops, led by General Henry Proctor, landed at Fort Miamis and attacked the fort twice, without success.

(4) Fort Miamis and Fallen Timbers Battlefield are in Lucas County, Ohio, in the city of Maumee.

(5) The 9-acre Fallen Timbers Battlefield Monument is listed as a National Historic Landmark.

(6) Fort Miamis is listed in the National Register of Historic Places as a historic site.

(7) In 1959, the Fallen Timbers Battlefield was included in the National Survey of Historic Sites and Buildings as 1 of 22 sites representing the ''Advance of the Frontier, 1763–1830''.

(8) In 1960, the Fallen Timbers Battlefield was designated as a National Historic Landmark.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize and preserve the 185-acre Fallen Timbers Battlefield site;

(2) to recognize and preserve the Fort Miamis site;

(3) to formalize the linkage of the Fallen Timbers Battlefield and Monument to Fort Miamis;

(4) to preserve and interpret United States military history and Native American culture during the period from 1794 through 1813;

(5) to provide assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State to implement the management plan and develop programs that will preserve and interpret the historical, cultural, natural, recreational and scenic resources of the historic site; and

(6) to authorize the Secretary to provide technical assistance to the State of Ohio, political subdivisions of the State, and nonprofit organizations in the State, including the Ohio Historical Society, the city of Maumee, the Maumee Valley Heritage Corridor, the Fallen Timbers Battlefield Commission, Heidelberg College, the city of Toledo, and the Metropark District of the Toledo Area, to implement the management plan.

SEC. 4. ESTABLISHMENT OF THE FALLEN TIMBERS BATTLEFIELD AND FORT MIAMIS NATIONAL HISTORIC SITE.

(a) IN GENERAL.—There is established, as an affiliated area of the National Park System, the Fallen Timbers Battlefield and Fort Miamis National Historic Site in the State of Ohio.

(b) DESCRIPTION.—The historic site is comprised of the following as generally depicted on the map entitled Fallen Timbers Battlefield and Fort Miamis National Historical Site-proposed, number NHS–FTFM, and dated May 1999:

(1) The Fallen Timbers site, comprised generally of the following:

(A) The Fallen Timbers Battlefield site, consisting of an approximately 185-acre parcel located north of U.S. 24, west of U.S. 23/I–475, south of the Norfolk and Western Railroad line, and east of Jerome Road.

(B) The approximately 9-acre Fallen Timbers Battlefield Monument, located south of U.S. 24; and

(2) The Fort Miamis Park site.

(c) MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION OF HISTORIC SITES.

(a) APPLICABILITY OF NATIONAL PARK SYSTEM LAWS.—The historic site shall be administered in a manner consistent with this Act and all laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (16 U.S.C. 1, 2–4; commonly known as the National Park Service Organic Act), and the Act of August 21, 1935 (16 U.S.C. 461 et seq.; commonly known as the Historic Sites, Buildings, and Antiquities Act).

(b) COOPERATIVE AGREEMENT.—The Secretary may enter into a cooperative agreement with the management entity to provide technical assistance to ensure the marking, research, interpretation, education and preservation of the Fallen Timbers Battlefield and Fort Miamis National Historic Site.

(c) REIMBURSEMENT.—Any payment made by the Secretary pursuant to this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this section as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—The Secretary, in consultation with the management entity and Native American tribes whose ancestors were involved in events at these sites, shall develop a general management plan for the historic site. The plan shall be prepared in accordance with section 12(b) of Public Law 91–383 (16 U.S.C. 1a–1 et seq.; commonly known as the National Park System General Authorities Act).

(2) COMPLETION.—The plan shall be completed not later than 2 years after the date funds are made available.

(3) TRANSMITTAL.—Not later than 30 days after completion of the plan, the Secretary shall provide a copy of the plan to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS

There is authorized to be appropriated such funds as are necessary to carry out this Act.

HAWAII VOLCANOES NATIONAL PARK ADJUSTMENT ACT OF 1999

The Senate proceeded to consider the bill (S. 938) to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, and for other purposes.

The amendment (No. 2297) was agreed to as follows:

On page 2, after line 11, insert the following new sections:

SEC. 3. CORRECTIONS IN DESIGNATIONS OF HAWAIIAN NATIONAL PARKS.

(a) HAWAI'I VOLCANOES NATIONAL PARK.—

(1) IN GENERAL.—Public Law 87–278 (75 Stat. 577) is amended by striking ''Hawai'i Volcanoes National Park'' each place it appears and inserting ''Hawai'i Volcanoes National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Hawaii Volcanoes National Park'' shall be considered a reference to ''Hawai'i Volcanoes National Park''.

(b) HALEAKALĀ NATIONAL PARK.—

(1) IN GENERAL.—Public Law 86–744 (74 Stat. 881) is amended by striking ''Haleakala National Park'' and inserting ''Haleakalā National Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Haleakala National Park'' shall be considered a reference to ''Haleakalā National Park''.

(c) KALOKO-HONOKŌHAU.—

(1) IN GENERAL.—Section 505 of the National Parks and Recreation Act of 1978 (16 U.S.C. 396d) is amended—

(A) in the section heading, by striking ''KALOKO-HONOKOHAU'' and inserting ''KALOKO-HONOKŌHAU''; and

(B) by striking ''Kaloko-Honokohau'' each place it appears and inserting ''Kaloko-Honokōhau''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Kaloko-Honokohau National Historical Park'' shall be considered a reference to Kaloko-Honokōhau National Historical Park''.

(d) PUUHONUA O HŌNAUNAU NATIONAL HISTORICAL PARK.—

(1) IN GENERAL.—The Act of July 21, 1955 (chapter 385; 69 Stat. 376), as amended by section 305 of the National Parks and Recreation Act of 1978 (92 Stat. 3477), is amended by striking ''Puuhonua o Honaunau National Historical Park'' each place it appears and inserting ''Puùhonua o Hōnaunau National Historical Park''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to Puuhonua o Honaunau National Historical Park shall be considered a reference to ''Puùhonua o Hōnaunau National Historical Park''.

(e) PUÙKOHOLĀ HELAU NATIONAL HISTORIC SITE.—

(1) IN GENERAL.—Public Law 92–388 (86 Stat. 562) is amended by striking ''Puukohola Heiau National Historic Site'' each place it appears and inserting ''Puùkoholā Heiau National Historic Site''.

(2) REFERENCES.—Any reference in any law (other than this Act), regulation, document, record, map, or other paper of the United States to ''Puukohola Heiau National Historic Site'' shall be considered a reference to ''Puùkoholā Heiau National Historic Site.''

SEC 4. CONFORMING AMENDMENTS.

(a) Section 401(8) of the National Parks and Recreation Act of 1978 (Public Law 95–625; 92 Stat. 3489) is amended by striking ''Hawaii Volcanoes'' each place it appears and inserting ''Hawai'i Volcanoes''.

(b) The first section of Public Law 94–567 (90 Stat. 2692) is amended in subsection (e) by striking ''Haleakala'' each place it appears and inserting ''Haleakalā''.

The bill (S. 938), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

INCLUSION OF MIAMI CIRCLE IN BISCAYNE NATIONAL PARK

The Senate proceeded to consider the bill (S. 762) to direct the Secretary of the Interior to conduct a feasibility study on the inclusion of the Miami Circle in Biscayne National Park, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Tequesta Indians were one of the earliest groups to establish permanent villages in southeast Florida;

(2) the Tequestas had one of only two North American civilizations that thrived and developed into a complex social chiefdom without an agricultural base;

(3) the Tequesta sites that remain preserved today are rare;

(4) the discovery of the Miami Circle, occupied by the Tequesta approximately 2,000 years ago, presents a valuable new opportunity to learn more about the Tequesta culture; and

(5) Biscayne National Park also contains and protects several prehistoric Tequesta sites.

(b) PURPOSE.—The purpose of this Act is to direct the Secretary to conduct a special resource study to determine the national significance of the Miami Circle site as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park.

SEC. 2. DEFINITIONS.

In this Act:

(1) MIAMI CIRCLE.—The term ''Miami Circle'' means the property in Miami-Dade County of the State of Florida consisting of the three parcels described in Exhibit A in the appendix to the summons to show cause and notice of eminent domain proceedings, filed February 18, 1999, in Miami-Dade County v. Brickell Point, Ltd., in the circuit court of the 11th judicial circuit of Florida in and for Miami-Dade County.

(2) PARK.—The term ''Park'' means Biscayne National Park in the State of Florida.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—Not later than one year after the date funds are made available, the Secretary shall conduct a special resource study as described in subsection (b). In conducting the study, the Secretary shall consult with the appropriate American Indian tribes and other interested groups and organizations.

(b) COMPONENTS.—In addition to a determination of national significance, feasibility, and suitability, the special resource study shall include the analysis and recommendations of the Secretary with respect to—

(1) which, if any, particular areas of or surrounding the Miami Circle should be included in the Park;

(2) whether any additional staff, facilities, or other resources would be necessary to administer the Miami Circle as a unit of the Park; and

(3) any impact on the local area that would result from the inclusion of Miami Circle in the Park.

(c) REPORT.—Not later than 30 days after completion of the study, the Secretary shall submit a report describing the findings and recommendations of the study to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the United States House of Representatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this Act.

Amend the title so as to read: ''A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.''.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 762), as amended, was read the third time and passed.

The title was amended so as to read:

A bill to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

AUTHORIZATION OF SENATE LEGAL COUNSEL

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 203 submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative assistant read as follows:

A resolution (S. Res. 203) to authorize document production, testimony, and representation of Senate employees in the matter before the grand jury in the Western District of Pennsylvania.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution would authorize the offices of Senator RICK SANTORUM and Senator ARLEN SPECTER to respond to subpoenas for documents sought by a grand jury convened in the Western District of Pennsylvania. The subpoenas seek documents regarding a constituent inquiry made to both Senators' offices. Both Senators are cooperating with this investigation, and this resolution would authorize the custodian of records in each office to produce any relevant documents. This resolution would also authorize testimony by employees of the Senate, except where a privilege should be asserted, with representation by the Senate Legal Counsel in the event it becomes necessary.

The U.S. Attorney's office has indicated that no Senate party is a subject of this investigation.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 203) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 203

Whereas, in a proceeding before a grand jury in the United States District Court of the Western District of Pennsylvania, documents have been subpoenaed from the offices of Senators Arlen Specter and Rick Santorum, and testimony from Senate employees may be requested;

Whereas, by the privileges of the Senate of the United States and Rule XI of the standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(2), the Senate may direct its counsel to represent Members and employees of the Senate with respect to any subpoena, order, or request for testimony or the production of documents relating to their official responsibilities: Now, therefore be it

Resolved, That the records custodians in the offices of Senator Rick Santorum and Senator Arlen Specter, and any other employee of the Senate from whom testimony or document production may be required, are authorized to testify and produce documents in this grand jury proceeding or in any related proceeding, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Senators Specter and Santorum and any employee of the Senate in connection with the document production and testimony authorized in section one of this resolution.

INTERIM CONTINUATION OF MOTOR CARRIER FUNCTIONS BY THE FEDERAL HIGHWAY ADMINISTRATION

Mr. SANTORUM. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of H.R. 3036, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3036) to provide for the interim continuation of motor carrier functions by the Federal Highway Administration.

There being no objection, the Senate proceeded to consider the bill.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3036. This legislation is being considered to remedy language included in section 338 of the Department of Transportation and Related Agencies Appropriations Act, 2000. Contained in the FY 2000 DOT Conference Report was a provision that prohibits the enforcement of civil penalties against truck and commercial vehicles for safety violations until separate legislation is passed to move motor carrier safety functions out of the Federal Highway Administration (FHWA). The provision would also have the impact of eliminating authority to shut down unfit carriers who pose a serious threat to highway safety.

While it is the intent of the committee to mark up a bill this month, it does not make sense to hamstring the agency charged with regulating and enforcing safety until the legislative process has taken its course. H.R. 3036 passed the House last night under suspension of the rules and quick consideration by the Senate today will ensure that the enforcement authority for motor carriers will be restored to the DOT. As we consider authorizing legislation that will reorganize and reprioritize the functions of the Office of Motor Carriers, this legislation will enable the federal government to continue to enforce important federal truck safety rules.

This bill is fair in that it provides authority to DOT to continue to levy penalties until we finalize legislation on this matter. There are pending bills in both bodies, it would be premature to change the functions of this critical safety agency prior to the completion of properly considered legislation.

Mr. MCCAIN. Mr. President, we must take swift action to remedy a serious safety consequence which resulted upon enactment of H.R. 2084, the Fiscal Year 2000 Transportation Appropriations Bill, P.L. 106–69 .

Signed into law last Saturday, section 338 of this law prevents the Federal Highway Administration (FHWA) from expending any funds for motor carrier safety activities. Although the new law allows the Secretary to transfer the safety functions elsewhere, which has already occurred, there are some safety activities solely vested in FHWA and the Secretary is precluded

by law from permitting any other entity to carry out those duties. In particular, the Department's safety enforcement program has nearly come to a halt as a result of the Appropriators' language.

We must restore the Department's ability to fully enforce our federal motor carrier safety regulations. Specifically, we need to restore the department's authority to assess civil penalties when safety violations have been identified. Currently, the Department can continue to carry out inspections, but in most cases has no authority to require a carrier to take corrective action. This is like a police officer pulling a driver over for speeding, but not being able to write a ticket.

Last Mother's Day, 22 people lost their lives when a charter bus ran off the road and crashed. After the accident, the Federal Highway Administration imposed the maximum fine against the company that it is statutorily authorized to assess. If we do not act, the fine will be held in abeyance. How can this be justified? I hope the Appropriators are finally the full consequences of this provision which was opposed by the authorizing Committees of jurisdiction.

The DOT Inspector General has repeatedly stated that strong enforcement with meaningful sanctions is needed at the Office of Motor Carriers. As long as this provision is allowed to stand, there will be no fines assessed against violators and efforts to strengthen Federal enforcement of motor carrier safety laws will be rendered meaningless.

Mr. President, the Senate Commerce Committee has been working to improve truck safety. Many serious safety gaps have been identified and I believe we need to transfer authority for safety to a separate Motor Carrier Safety Administration. But, we need to act responsibly. We need to allow the authorization process to proceed. We need to put drivers and passengers ahead of unreviewed, unexamined quick-fix gimmicks that have resulted in very disturbing and likely unintended consequences.

Last year, a similar attempt was made by the House Appropriations Committee to strip FHWA from its authority over motor carrier safety matters. As Chairman of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over most federal transportation safety policies, including motor carrier and passenger vehicle safety, I opposed this proposal, in part because it had never been considered by the authorizing committees of jurisdiction. The provision was ultimately not enacted and I pledged that I would work to address motor carrier safety concerns in this Congress. I have lived up to this commitment.

At my request, the Inspector General of the Department of Transportation conducted a comprehensive analysis of federal motor carrier safety activities. Serious safety gaps have been identified, and as such, the authorizing Committees of jurisdiction have been working to move legislation to improve motor carrier safety. The Commerce Committee held a hearing on my specific safety proposal and we expect to mark up that measure during the next Executive session. Indeed, we are working to move legislation through the regular legislative process.

Public safety could be seriously jeopardized if Congress does not take quick action to restore federal motor carrier safety enforcement activities. I am aware safety improvements are necessary. I am working to pass those needed improvements. But halting motor carrier enforcement activities is clearly not in the interest of truck and bus safety.

Mr. President, we cannot allow the destruction of the Federal government's motor carrier safety enforcement program. I fully support passage of H.R. 3036 to restore the Department's truck safety enforcement programs. I urge my colleague to support this much needed bill.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statement relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3036) was passed.

ORDERS FOR FRIDAY, OCTOBER 15, 1999

Mr. SANTORUM. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Friday, October 15. I further ask unanimous consent that on Friday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin the vote on the conference report to accompany the VA-HUD appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALITY CARE FOR THE UNINSURED ACT OF 1999

The PRESIDING OFFICER. The Chair has an announcement.

Under unanimous consent, the Chair lays before the Senate H.R. 2990. All after the enacting clause is stricken. The text of S. 1344 is inserted. The bill is read a third time, passed, and the Senate insists on its amendment and requests a conference with the House.

PROGRAM

Mr. SANTORUM. Mr. President, for the information of all Senators, the Senate will conduct a vote on the VA-HUD appropriations conference report tomorrow morning at approximately 9:15. Following the vote, the Senate will resume debate on the campaign finance reform bill, with further amendments to be expected. Senators are encouraged to work with the bill managers on a time to come to the floor to offer their amendments in a timely manner.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. SANTORUM. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:43 p.m., adjourned until Friday, October 15, 1999, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate October 14, 1999:

DEPARTMENT OF THE TREASURY

CHARLES L. KOLBE, OF IOWA, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

EXTENSIONS OF REMARKS

TEEN VIOLENCE CONFERENCE

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. MASCARA. Mr. Speaker, I would like to honor three special constituents from my district who have been selected to take part in the ''Voices Against Violence Congressional Teen Conference,'' to be held here in Washington, D.C. on October 19th and 20th, 1999.

I am pleased to announce that after a rigorous selection process, three bright young students from my district will join 400 teenage boys and girls from around the country to take part in the ''Voices Against Violence Congressional Teen Conference.'' Jonathan Chambers, Steven Hoak, and Seth Caton have been chosen to come to the Conference to share their views and insight into the problem of teen violence.

Violence among our youth is a concern nationwide. We, as Members of Congress, can learn a great deal from the youth of our nation. They bring to us a fresh perspective based on real-life experiences. It is our responsibility to work with them to come up with realistic solutions.

One of the purposes of the Conference will be to draft a House Resolution that will define action Congress can take to help prevent youth violence. These 400 teenagers will present us with legislation that will guide us toward helping families, schools and communities in our districts solve this tragic problem.

Jonathan, Steven, and Seth were selected to participate in this monumental event because they demonstrated a true commitment to their schools and to their communities. Jonathan is a Senior at Trinity High School in Washington County; Steven is a Sophomore at California High School, also in Washington County; and Seth is a Senior at Laurel Highlands High School in Fayette County.

I know they are looking forward to being active participants in this Conference, and I am honored to have them represent the 20th Congressional District of Pennsylvania.

TRIBUTE TO MURIEL WATSON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize the outstanding service and dedication of a hometown heroine from my district, Mrs. Muriel Watson. On November 4, 1989, Mrs. Watson assembled a group of people with 23 cars on Dairy Mart Road where they turned on their headlights and shined them into Mexico for a half-hour as a protest against illegal drugs and aliens coming into California from across the border. Mrs. Watson's late husband had been a Border Patrol agent for 30 years.

The enthusiasm of the participants made this event such a success that Mrs. Watson began to distribute flyers to friends, and friends of friends. On December 10, 1989, Mrs. Watson held another ''Light Up the Border'' with 60 cars, and the following month over 100 cars participated. The event was featured on the Roger Hedgecock radio show and in February, over 200 cars took part and in March over 1,000 cars showed up. By this time, Mrs. Watson was providing participants with printed instructions, asking them to stay in their cars for 45 minutes, turn on their lights for 30 minutes and then turn them off.

At about this same time, we were able to obtain an engineering unit from the California National Guard to work on border enforcement projects. This unit, under the direction of Captain Wade Rowley, began building several roads and a 10-foot high steel fence made of surplus steel landing mats. This fence was successful in stopping drive-throughs by drug smugglers and illegal aliens, but did not prevent several people from crawling under, or climbing over the barricade. It was then that Mrs. Watson's event was brought to my attention by my District Deputy Chief of Staff, Cato Cedillo, and I felt that her concept should be applied on the border on a more permanent basis. Consequently, we have added lights, sensors, and other detection devices to assist the Border Patrol agents with their responsibilities.

Before her work with ''Light Up the Border'', Mrs. Watson started a scholarship fund in 1982 for children of Border Patrol agents, providing two $500 scholarships herself out of her own funds. Impressed with her commitment, I wanted to help this effort and in 1994 began to auction off signed lithographs of Olaf Weighost pictures with the proceeds going to the Watson Fund.

Mr. Speaker, in a time where apathy is the common attitude towards most of our problems, Mrs. Watson is a shining example of how one person can make a difference. Mrs. Watson not only created ''Light Up the Border'', but she herself lights up any gathering she attends.

TRIBUTE TO AARON ADOBERAVOSKI AND C.J. TRUJILLO

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the heroic acts of twelve years old Aaron Adoberavoski and nine year old C.J. Trujillo. Aaron is a seventh grader at Kennedy Middle School and C.J. is a fourth grader at Tomasita Elementary School in Albuquerque, New Mexico.

In April 27, 1999, these two young boys were riding their bikes around Sandia Vista Park when they saw a man eluding some police officers. After a short while, the boys spotted a bag of money dropped in haste in a tunnel just off the park. The bag contained $1,900. The money had been stolen earlier from a Norwest Bank branch in a Furr's grocery store. C.J. and Aaron found a police officer at the park and turned the money over to him.

Too often we do not recognize the positive things kids do. Aaron Adoberavoski and C.J. Trujillo showed that honesty is often its own reward and they were willing to act without hesitation.

Please join me in thanking Aaron Adoberavoski and C.J. Trujillo for this act of citizenship. They are true models of honesty and integrity in our great community of Albuquerque, New Mexico.

IN HONOR OF THE SAINT SAVA SERBIAN ORTHODOX CATHEDRAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today to honor the 90th anniversary of the Saint Sava Serbian Orthodox Cathedral in Cleveland, OH. The festivities will be held on the weekend of October 23, 1999 to commemorate this great milestone in their history.

In the past 90 years the Saint Sava Serbian Orthodox Cathedral has been a cornerstone of the Serbian community in Cleveland. Now, almost a century later, the cathedral has developed into a cherished place for learning, teaching, and growing. Through the leadership of its members and clergy, the cathedral has succeeded in passing on many beliefs and values. The cathedral has helped young children develop their heritage and learn about their culture. It is here that the members come together as a community and a family to share in their beliefs and traditions. Organizations like the Saint Sava Serbian Orthodox Cathedral must be applauded and recognized for their years of dedication to so many generations of Clevelanders.

I urge my fellow colleagues to please join me in recognizing the dedication and faith of the families of the Saint Sava Serbian Orthodox Cathedral as they celebrate 90 years of service in the Greater Cleveland area.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. CARSON. Mr. Speaker, I was unavoidably absent the morning of Wednesday, October 13, 1999, and as a result, missed rollcall vote 494. Had I been present, I would have voted ''yes'' on rollcall vote 494.

PRESERVING OUR HERITAGE IN SPACE EXPLORATION

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HORN. Mr. Speaker, today the House has passed the conference report of the bill making appropriations for the Departments of Veterans Affairs, Housing and Urban Development and Independent Agencies. This bill includes vital help for the city of Downey, California, as it adjusts to changes in America's space program.

For nearly seven decades, Downey has been a creative center in our efforts to explore space. At one time, some 28,000 workers were employed at NASA's manufacturing facilities in Downey, producing the Apollo command and service modules that took Neil Armstrong and our other astronauts to the moon and back. In more recent times, Downey has produced the Space Shuttle, but now all manufacturing work is being phased out and the remaining 3,000 workers will leave Downey's plants by the end of this year.

As the city makes the transition to new development and new jobs for this area, it also plans to preserve the rich heritage of Downey's role in our space program. This bill helps that effort by providing funds for a Space Science Museum and Educational Program as a key part of the new development.

Mr. Speaker, I want to thank the subcommittee chairman, Representative JIM WALSH, the ranking member, Representative ALAN MOLLOHAN, Representative JERRY LEWIS and all of the other Members and staff who have helped make this assistance a realty. When a community loses 3,000 high-skill jobs, it is a devastating blow. I am confident that Downey will recover and that it will, in fact, thrive in the years ahead, but it is very appropriate that we assist that recovery in any way we can and that we do so in a way that not only preserves a heritage that is important to Downey but to all Americans.

TRIBUTE TO FRANK DILLMAN

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize one of our country's great veterans, Mr. Frank Dillman. Frank was a member of the old Fourth Marine Regiment which was stationed in China before being shipped out to the Philippines during the outbreak of World War II. This regiment arrived in the Philippines days before the Japanese arrived to continue the attack they had initiated at Pearl Harbor.

With no hope for reinforcements because of the destruction of the American Naval fleet days before, the Philippines were forced to surrender shortly after the fighting began. Frank survived the Bataan Death March, was interned in a prisoner-of-war camp before being transported to Japan where he was forced to work slave labor in a Mitsubishi-owned copper mine until Japan surrendered in 1945.

Following his release, Frank was asked by Marine Corps General Lem Shepherd to write a history of his ordeal. Frank agreed and, while working on his project, began collecting pictures, artifacts and stories that would eventually become an exhibit known as the Pacific Memorial Freedom Foundation. This exhibit includes the first American flag to be pulled down and desecrated by the Japanese at Baguio and an original copy of the Freedom Proclamation issued by General Douglas MacArthur. The exhibit has been displayed at a number of high school libraries in San Diego County and is currently located at the Veterans Memorial Center in Balboa Park in San Diego.

As news of the exhibit spread, Frank still receives pictures and artifacts as he continue to write extensively on the collection and the American and Filipino soldiers involved with the conflict. As we all know, America allowed Filipinos to enlist in the U.S. Navy while in the Philippines where they would eventually visit and experience San Diego during their travels. Many decided to make San Diego their home and, as a result, San Diego County has the greatest concentration of Filipinos of any county in California.

Mr. Speaker, Frank Dillman's vision has created an exhibit that reminds us all of our important history. His efforts honor our Nation's veterans and provide a unique service, not just to those in San Diego, but to our country as well.

TRIBUTE TO ELIZABETH EMERY

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention Elizabeth Emery of Albuquerque, New Mexico, a gold medalist in the women's individual time trial cycling event at the 1999 Pan American Games.

Elizabeth started cycling at the age of 27. To some this would be described as a late start, however through hard work and commitment she made up for the time lost. Elizabeth Emery serves as a role model to young people, especially young woman. Her outstanding gold medal performance proved what can be accomplished when you set a goal, and work hard. We know that young women who are involved in sports are more likely to stay in school, set and achieve their goals and make positive life choices. Ms. Emery is a successful woman athlete we can all learn from.

Please join me in commending her for proudly representing the United States and securing a spot on the US Team to compete at the 1999 World Cycling Championships, October 1999 in Italy.

IN HONOR OF MS. OLIVE WHITMORE ON CELEBRATING HER 99TH BIRTHDAY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Olive Whitmore as she celebrates her 99th birthday on October 14, 1999.

Ms. Whitmore is a native Clevelander, where she has lived and prospered. A member of the West Boulevard Church since she was three years old, she is now the oldest living member. Her faith in God and her belief in the everlasting have carried her through an amazing life. Her religious values are remarkable.

Olive Whitmore was a charter member of the Order of Eastern Star and a charter member of the Electra Club. While a member of the Electra Club she sang with the choir under the direction of Charles Dawes of the ''Cleveland Orchestra''. They sang at the first 4th of July festival at the Cleveland Municipal Standium. It was said that the gathering was so large that the following year it was moved to Edgewater Park where it is still celebrated.

Ms. Whitmore worked at Halle's Department Store, downtown from 1957 to 1970. During her work at Halle's, she managed to help thousands of Clevelanders, always with a smile on her face, a twinkle in her eye, and a bounce in her step. After her retirement she became a noted traveler, visiting places from Nova Scotia to the United States. While a noted visitor to other places, her heart always remained grounded in her hometown.

Ms. Whitmore is the oldest of three children. She has a contagious joy for life and is a delightful women. My distinguished colleagues, please join me in honoring Ms. Olive Whitmore on her 99th Milestone Birthday.

HONORING PATRICK HARTEN ON HIS 100TH BIRTHDAY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. CROWLEY. Mr. Speaker, I rise to honor an Irishman who has lived a long, full life of devotion to God and family, Patrick Harten, on the occasion of his 100th birthday.

Patrick Harten, who is my great uncle, was born on October 17th, 1899 in the Parish of Mullaghoran in County Cavan, Ireland. He was the third child of eight children raised by Patrick and Rose (White) Harten.

Patrick attended the Carnagh Upper National School, then later received training as a radio operator in Dublin.

Around the age of 28, Patrick immigrated to Canada. Patrick lived for many years near Toronto, where he farmed and also worked as a lumberjack.

Patrick's family in Ireland remembers his great kindness and generosity during World War II. He never forgot his family thousands of miles across the Atlantic in war torn Europe, and sent many packages of fruit, tea, as well as other goodies for the children—items that would have otherwise been unavailable to them during those adverse times.

Patrick's concern for his family is also related by his sister-in-law Mae who remembers the long letters the two would exchange as Patrick inquired about the family's well being. Several years after the war, Patrick returned to Mullaghoran to visit the Irish Hartens.

Currently, Patrick resides at the Maynard Home in Toronto.

Mr. Speaker, please join me in congratulating Patrick Harten for a remarkable life on the occasion of his 100th birthday.

CONGRATULATIONS ON THE MERGER OF PICADA AND DANE COUNTY YOUTH CONNECTION

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. BALDWIN. Mr. Speaker, I rise to offer my congratulations to the staff and board of directors of the newly merged PICADA and Dane County Youth Connection. This recent collaboration has been positively received by members of the community and civic leaders, who recognize the importance of high profile prevention and early intervention strategies. Such work is far reaching and immeasurable. The practice of making healthy choices is crucial for individuals and families in Dane County. I invite my colleagues to proudly join me in commending the union of these two exemplary organizations.

CELEBRATING THE MEMORY OF MATTHEW SHEPARD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise today to celebrate the memory of Matthew Shepard. One year ago, this 21-year-old college student died in a hospital bed in Fort Collins, Colorado, the victim of a brutal and senseless act of hate. I don't think anyone will ever forget the imagery of him being pistol-whipped, beaten, robbed, tied to a rough-hewn fence and left for dead on a cold October morning outside of Laramie, WY. And all of this because he was gay.

It is ironic that his life would be taken in such a violent way, considering the fact that Matthew wanted to dedicate his life to creating a world of peace and promoting human rights. He did not die in vain. His death shook us by our shoulders and forced us to deal with the issue of hate crimes and come to grips with the hate that brews in so many people's hearts. A crime motivated by hate is more than just another crime committed against an individual—it is intended to put fear into a whole community whether it is the African-American, Asian, Latino, disabled, gay and lesbian or senior communities.

Mr. Speaker, enough is enough. Every person is entitled to respect and human dignity, and no person should live in fear for being who they are. Our nation is strong because of our diversity, not in spite of it. We must speak with one voice to erase violence and hate from our communities and from our hearts. And we must pass the Hate Crimes Prevention Act. This piece of legislation may not end all hate violence, but it will send a strong message that this Congress will not tolerate hate crimes, and that people who commit such acts will be met with swift and equal justice. And it will renew our commitment to creating an America where there is ''liberty and justice for all.''

IN RECOGNITION OF JOAN KRON

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Joan Kron as she is honored by the Saul Weprin Democratic Club on Sunday, October 17th, 1999 at the club's 42nd annual dinner dance.

Joan Kron has been a long time member of the Board of Governors of the Saul Weprin Democratic Club. She is an experienced educator who has been employed by the New York City Board of Education for twenty four years. For the last twenty years, Joan Kron has been the Resource Room teacher at P.S. 186 in Bellerose, Queens.

An alumini of Lehman College, Joan Kron earned a Bachelor of Arts in Elementary Education and a Master of Arts in Special Education. She is currently pursuing a Certificate in Supervision and Administration from Queens College.

For the past year, Joan Kron has served as the UFT representative for her school and has been involved with various union issues. She is a passionate community activist who has given both of her time and her energy to a number of worthy causes.

Joan Kron is a devoted wife to her husband, Barry, and dedicated mother to her daughter, Beth, and her son, Jonathan. Beth is currently attending SUNY College at Oneonta and Jonathan attends Townsend Harris High School.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my congratulations to Joan Kron as she is honored by the Saul Weprin Democratic Club for her years of dedicated service to the community.

TRIBUTE TO REVEREND BENEDICT J. BENAKOVIC

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. VISCLOSKY. Mr. Speaker, I would like to take this opportunity to congratulate Reverend Benedict J. Benakovic on the 50th Anniversary of ordination into the priesthood. On Sunday, October 17, 1999, the parishioners of St. Joseph the Worker Croatian Catholic Church in Gary, Indiana, will honor its jubilarian priest. Father Benedict's 50th Anniversary festivities will begin at 11:00 a.m. with a Mass of Thanksgiving at the church, followed by a reception in the church hall.

Father Benedict was born on January 18, 1923 in Slavonski Brod, Croatia. He entered the minor seminary of the St. Jerome Province of the Croatian Conventual Franciscans on September 6, 1935, and pronounced his solemn vows on December 26, 1945. He completed studies in philosophy and theology at the Archdiocesan Seminary in Zagreb, Croatia, and was ordained a priest on June 29, 1949 in the cathedral in Zagreb. Father Benedict offered his first Mass on Sunday, July 3, 1949 in Zupanja, his family's hometown.

After one year of military service, Father Benedict was appointed assistant pastor at St. Anthony Church in Zagreb. In 1962, he was sent to the United States to minister to the faithful in a Croatian parish. On February 13 of the same year, he came to Gary, Indiana, where he has lived ever since. The very Reverend Andrew G. Grutka, Bishop of Gary, appointed Father Benedict assistant pastor of St. Joseph the Worker Croatian Church in Gary, Indiana. In 1972, Father Benedict was appointed Pastor, and has remained in that position for the past 27 years.

Father Benedict has never believed that his work as a priest was limited to Sunday mornings. Even though he is extremely dedicated to the people of his parish, Father Benedict has never restricted his humanitarian activities to only his parishioners. Instead, he aids as many people as he can, no matter what the circumstances are. In fact, in October of 1994, Father Benedict was awarded the Columbian Award by the St. Thomas Council, a Catholic fraternal organization based in Hobart, Indiana for his outstanding service and commitment to the community.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating Reverend Benedict on his 50th Anniversary of ordination into the priesthood. I would also like to take this opportunity to commend him for his service and dedication to our country, and especially the citizens of Indiana's First Congressional District.

TRIBUTE TO CHRIS FINK

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, I rise today to recognize one of our country's great veterans, Mr. Chris Fink. Chris received his commission as an Ensign in the U.S. Naval Reserve on October 10, 1941. Shortly after World War II began, he was assigned to the Pacific as a dive-bomber with the U.S.S. *Enterprise.*

Chris was one of eleven Navy pilots assigned to defend the recently captured island of Guadalcanal. On the day following his arrival, Chris' squadron attacked the Japanese transport *Kinryu Maru,* sinking the vessel and denying the Japanese the opportunity to land its 1,000-man force on the island. Three days later, Chris bombed the lead ship of Japanese destroyers, once again thwarting the enemy's attempt to take Guadalcanal and earning the nickname ''Never miss'em'' by his fellow airmen.

Returning from Guadalcanal, Chris was awarded the Silver Star by Secretary of Navy Frank Knox for his bravery and actions. He soon rejoined his squadron and would later take part in numerous more naval missions, including campaigns over the Philippines, the China Sea, Japan, Formosa and Wake Island. Because of his success, Chris was called back to the U.S. to participate in the War Bond Tour, which would travel the country and rally people to purchase bonds to finance the war.

Following World War II, Chris became the 23rd naval flier to receive a helicopter pilot's license, which was still considered an experimental aircraft, and traveled to several bases across the country demonstrating its potential. During the Korean War, Chris directed carrier-

based air strikes against North Korean forces and took on several assignments, including Commander of Fighter Squadron 54, Executive Commander of the U.S.S. *Wasp,* Deputy Commander at Naval Air Station, Memphis, and Navy Liaison at Sikorski Aircraft Company.

In 1966, after 25 years of faithful service, Chris retired from the Navy having earned numerous awards and medals, including the Silver Star, the Distinguished Flying Cross, the Presidential Unit Citation, and the National Defense Medal.

Mr. Speaker, in an era when our nation's veterans are often not given sufficient recognition, outstanding leaders, such as Chris Fink, exemplify the courage and dedication of our nation's military and remind us all what it means to be an American hero.

TRIBUTE TO NEW MEXICO PARENTS OF THE YEAR

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. WILSON. Mr. Speaker, I wish to bring to your attention the recipients of the 1999 New Mexico parents of the year award. This award is administered by the New Mexico Parent's day coalition. As we recognized these parents, I thank them for the role they play in strengthening and restoring the foundation of our country—the family.

Bob and Tina Schmitt, Los Lunas; Steve Trujillo, and Barbara Gauna Trujillo, Albuquerque; Kent and Carolyn Cummings, Las Cruces; Ronald and Joy Jones, Albuquerque; David and Rose Ostrovitz, Albuquerque; Robert and Mary McCray, Las Cruces; and Pete and Catherine Powdrell, Albuquerque.

Please join me in thanking these parents for their dedication to raising good citizens and their contributions to New Mexico's future.

EXPORT ENHANCEMENT ACT OF 1999

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1993) to reauthorize the Overseas Private Investment Corporation and the Trade and Development Agency, and for other purposes:

Mr. KUCINICH. Mr. Chairman, I rise in favor of this amendment to require the public disclosure of environmental impact statements for all OPIC projects designated ''Category A''. It requires information disclosure for environmentally sensitive OPIC Investment Fund projects such as oil refineries, chemical plants, oil and gas pipelines, large-scale logging projects and projects near wetlands or other protected areas. Current OPIC Investment Funds are not subject to any transparency requirements. Furthermore, no specific information on these projects is contained in OPIC's annual reports.

As a consequence, Congress, the public and the residents living near OPIC have no knowledge of the potential environmental and related financial and political risks. What is the taxpayer's interest in these projects?

Taxpayers are liable for OPIC investments overseas if they fail. Private corporations and investors make investments in OPIC Investment Funds. OPIC-supported funds, in turn, make direct equity and equity-related investments in new, expanding and privatizing companies in ''emerging market'' economies. While taxpayer money is not actually invested in these funds, taxpayers are liable for the investments should they fail. These funds have invested in more than 240 business projects in over 40 countries. Recent estimates show that the total amount in Investment Fund programs will soon reach $4 billion.

Since taxpayers are exposed to millions of dollars of potential liabilities, I believe OPIC has a responsibility to Congress and the public to operate in an open and transparent manner. The lack of environmental transparency conceals environmentally destructive investments of these funds not only from Congress and the American public, but also to locally-affected people in the countries where OPIC projects are run.

For example, a 1996 FOIA lawsuit focusing on OPIC activity in Russia revealed that an Investment Fund project was involved in clear cutting of primary ancient forests in Northwest Russia. Russian citizens, expecting democracy building assistance from the U.S. Government, had not been provided with any environmental documentation. In fact, according to documents obtained in the lawsuit, an OPIC consultant had falsely documented the Russian citizens' support for the harmful, irreversible logging of pristine forests.

OPIC Investment Funds have also been involved in a gold mine in the Côte d'Ivoire in the area of a primary tropical forest which is opposed by local citizens. Reports of other troubling projects are also being circulated. Conservation groups have filed FOIA requests to obtain the names, nature, location and environmental impact assessments for all OPIC investment fund projects. OPIC, however, continues to conceal the environmental consequences of these questionable investments from the public.

What little information that has been uncovered about these funds reveals a checkered environmental record. With environmentally and socially sensitive projects being a main focus of the funds, public disclosure of environmental impact assessments is even more crucial.

Organizations such as the National Wildlife Federation, Friends of the Earth, Institute for Policy Studies, Environmental Defense Fund, Sierra Club, Center for International Environmental Law and Pacific Environment and Resources Center have long advocated for increased transparency in OPIC Investment Fund projects.

Representatives of these organizations met with the new OPIC President in February where he agreed with their assertion that these funds should be transparent when it comes to the environment. OPIC recently launched a $350 million equity fund for investment in Sub-Saharan Africa which will include transparency and public disclosure provisions. But there are still 26 other funds which remain shrouded in secrecy.

With almost $4 billion dollars invested in these programs, and OPIC's sketchy environmental record, it is ever more important that OPIC be held accountable to the public regarding its investments in environmentally sensitive projects.

The ideal legislation to correct the lack of transparency in Investment Fund projects would require the public disclosure of Environmental Impact Assessments conducted on all new investment projects. It would also allow for a public comment period where citizens, especially those living in the affected area of the project, could voice their opinions of the project. In the case of projects already underway, a renegotiation of contracts to allow for public disclosure would be required to avoid breech of contract concerns.

If we can't have full transparency in all Investment fund projects, then OPIC should not be involved in projects that are environmentally sensitive.

While projects like oil refineries, gas and oil pipelines, chemical plants that produce hazardous or toxic materials, and large-scale logging projects may be necessary for the industrial development of developing countries, holding the US taxpayers liable for investments in projects that could pose serious environmental or health risks to local populations with no public oversight or disclosure is unacceptable.

It is OPIC's policy, as outlined in the Environmental Handbook to conduct rigorous internal Environmental Impact Assessments on all environmentally sensitive projects. Environmental impact assessments are also required by law as found in Executive Order 12114 and Public Law 99–204. However, while the assessments for insurance and finance projects are publicly disclosed, assessments on Investment Fund projects are not. Accountable government demands that these assessments be disclosed.

I urge my colleagues to support this amendment and shed some light on OPIC's environmentally sensitive Investment Fund projects.

MOVING FORWARD TO PROTECT ROADLESS AREAS IN AMERICA'S NATIONAL FORESTS

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HORN. Mr. Speaker, the effort to protect as much as 40 million acres of roadless area throughout our National Forest System took an important step forward this week. The President has directed the National Forest Service to prepare an environmental analysis on how best to conserve and safeguard the roadless areas in numerous forests across our nation.

While approximately 60 million acres in our National Forest System remain untouched, these unspoiled areas have been left unprotected from future mining, logging, and road-building. Without the development of a science-based policy for managing roadless areas, these unspoiled lands may become susceptible to a wide variety of ecological problems. Some of the problems include: an

increased frequency of flooding and landslides; increased habitat fragmentation; increased frequency of fires as a result of access; and invasion of exotic species that displace native species.

On June 18, 1999, 168 Members of the House joined with me and Representative HINCHEY in urging the President, to start taking decisive action to protect roadless areas in all national forests from logging, mining, and other destructive activities. Over half of the Forest Service's 191 million acres are presently available for logging, mining, drilling for oil and gas, and other types of development. These scarce roadless areas provide essential habitat for fish and wildlife, protect the greatest reserves of diverse plant life, and offer our nation's people an abundant supply of clean drinking water and opportunities for outdoor recreational activities. Clearly, these natural resources must be protected.

While the current moratorium on road building in roadless areas of the Forest Service's lands provides temporary protection from further development, future management policies and protection efforts must be set in motion to safeguard these pristine areas. President Clinton's announcement today is a good step toward a national policy that will safeguard our roadless areas so that these national treasures are not lost, and can be enjoyed by future generations. Furthermore, I encourage the public to take an active role in the development of a long-term protection plan. Congress also must be ready and willing to engage in a constructive and positive debate to shape a sound new approach to the nation's forests.

RECOGNIZING A LOCAL CHAMPION—MR. JOSH WEIR

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. CARSON. Mr. Speaker, I rise today to bestow much deserved recognition to Josh Weir, a senior at Ben Davis High School located in my home town of Indianapolis, IN.

All too often we focus on negative stories regarding our youth while neglecting to praise the millions of young people across this country who are eager to face the challenges and meet the responsibilities and expectations that society places upon them. Josh Weir is one such extraordinary young man.

This past summer, Josh won two gold medals and one silver medal at the Junior Track Cycling Championships at the Indianapolis Major Taylor Velodrome. In doing so, Josh has earned the honor of being called ''National Champion.''

This honor did not come without hard work and the support of his parents. His preparation required him to devote countless hours in the weight room, and train hours away from home. Josh's coach, Gil Hatton, recently exclaimed, ''One very positive thing about Josh Weir is that his parents are very supportive of what he does.'' Their support is to be commended.

In addition to his athletic accomplishments, Josh has given back to his community. Josh belongs to Top Teens of America, Inc., a nationally known service organization. As we approach the dawn of a new century, young people such as Josh Weir will make certain a brighter future for our community, State, and country.

Mr. Speaker, though someday, Josh dreams to race for the U.S. national team and perhaps even in the 2004 Olympics, he knows that a college degree represents the ultimate trophy. By choosing this path to success, Josh is a true hero.

TRIBUTE TO VALENTIN S. KRUMOV

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. CROWLEY. Mr. Speaker, I rise today to extend my sincere condolences to the family of Valentin S. Krumov, who's life was cut tragically short in Kosova where he worked for the United Nations Interim Administration Mission in Kosovo (UNIMIK). Valentin arrived in Kosova on Monday, October 11 and was killed at 9:00 p.m. local time by a group of Albanian teenagers who brutally beat and then shot. According to police reports, Valentin had responded to a question posed to him in Serbian. Although he is a Bulgarian national, Mr. Krumov once lived in Queens, which I am proud to represent. Mr. Krumov was 38 years old and a respected scholar who received his doctorate in political science from the University of Georgia. He dedicated his adult life to the disciplines of international relations and economics, going to Kosova to help restore democracy and rebuild that war-torn land. According to the United Nations, police are still investigating this terrible and cowardly crime. I am hopeful that the perpetrators will be brought to justice soon.

Mr. Speaker, this tragedy only serves to illustrate that although the bombing has ended in Kosova, the violence has not. The United Nations has a difficult job before it and must have the resources to do it properly. Before this first session of the 106th Congress ends, I hope that we have appropriated the money necessary to help rebuild Kosova and make it safe.

RECOGNITION OF MS. CLARA DAVELER'S OUTSTANDING COMMUNITY SERVICE

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. BALDWIN. Mr. Speaker, I rise to honor an amazing woman, one who has bettered the lives of many people over the years, Ms. Clara Daveler. As the manager at a senior nutrition site, Ms. Daveler has been filling a real need in the community by providing nutritious, appetizing hot lunches to seniors at the Bashford Methodist Church for over 15 years. Not only does she serve, prepare, and tidy up after the meals, she does so with a smile and kind words, as the regulars, the delivery man, and her co-workers can attest. Ms. Daveler, a 76-year-old dynamo, still works 20 hours per week, and when asked about her job, says, ''We always have a good time.''

This October is the 25th anniversary of the Bashford Methodist Church's senior nutrition site, and to commemorate this special time, Clara's co-workers wanted to honor the one woman without whom it couldn't have happened. I commend Clara Daveler for her great contributions, and I wish her many more happy years with her friends and colleagues at the Bashford Methodist Church.

FEDERAL LAW ENFORCEMENT ANIMAL PROTECTION ACT OF 1999

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 12, 1999

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of this measure to protect not only the animals involved in federal law enforcement, but also the people and institutions these animals serve.

Under this bill, individuals who commit or attempt to commit malicious acts on federal law enforcement animals will face jail sentences of one to ten years depending on the gravity of the act. This important legislation will send a message to any potential offenders that our police dogs and horses are valued for the law enforcement functions they serve, and any offenses against these animals will have serious consequences.

This is a modest step, but an important one and I urge its passage.

TRIBUTE TO RABBI STANLEY HALPERN AND RABBI MICHAEL STEVENS

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to commend two of Northwest Indiana's most distinguished citizens, Rabbi Stanley Halpern and Rabbi Michael Stevens. On Sunday, October 17, 1999, Rabbis Halpern and Stevens will be honored for their exemplary and dedicated service to Northwest Indiana and to the State of Israel. Their praiseworthy efforts will be recognized at the Northwest Indiana-Israel Dinner of State, as they receive the Shema Yisrael Award. The Shema Yisrael Award is given to worthy recipients who demonstrate their dedication and outstanding service of Israel and their community.

Rabbi Stanley Halpern, a resident of Portage, Indiana, came to Temple Israel in Gary, Indiana, in 1988 from Central California where he served as the Executive Director of the Bureau of Jewish Education in Sacramento. Rabbi Halpern is very involved in several organizations, including: the Jewish Deaf Congress, the Gary Interfaith Clergy Council, and the Interfaith Alliance of Northwest Indiana. He also serves as chaplain of the Gary Police Department. Additionally, he serves on the board at the Northwest Indiana Open Housing Center, the Bio-Ethics Committee of Munster Community Hospital, the Liheyot panel of the UAHC Committee on Family Concerns, and the CJF Special Committee on Accessibility.

Though Rabbi Halpern is dedicated to his career and his community, he has never limited his time and love for his 16-year-old daughter, Sasha.

Rabbi Michael Stevens, a native of Brooklyn, New York, received both a bachelor's and master's degree in music, as well as a master's degree in Hebrew literature. In 1976, Rabbi Stevens was ordained as a Rabbi at the Hebrew Union College-Jewish Institute of Religion in New York. Before coming to Northwest Indiana in 1987 to serve the Temple Beth-El in Munster, Rabbi Stevens served as Rabbi of Beth Israel Temple Center in Warren, Ohio, and of Congregation Rodeph Shalom in Montreal, Quebec. He also served as Interim Rabbi of Congregation Keneseth Israel in Allentown, Pennsylvania. While Rabbi Stevens has dedicated considerable time and energy to his work, he always made an extra effort to give to the community. He has served on the Lake County AIDS Pastoral Care Network, reviewed concerts of the Northwest Indiana Symphony Orchestra, composed music for the Temple Beth-El choir, and has played the role of the Rabbi in a production of ''Fiddler on the Roof.'' He has served for many years on the faculty of the Olin-Sang-Ruby Union Institute camp in Oconomowoc, Wisconsin, and currently teaches in the Department of English and Philosophy at Purdue University Calumet. Rabbi and Judy Stevens are the proud parents of four wonderful children, David, Joshua, Andrea, and Aaron.

The special guest at this gala event will be Mr. Uriel Lynn. Mr. Lynn is a distinguished lawyer and businessman and a former highly regarded member of Israel's Knesset.

Mr. Speaker, I ask you and my distinguished colleagues to join me in congratulating Rabbis Stanley Halpern and Michael Stevens for receiving the Shema Yisrael Award. Their dedicated service to both the State of Israel and our Northwest Indiana community is commendable and admirable.

IN RECOGNITION OF ROBERT FONTI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to Mr. Robert G. Fonti as he is honored by the Saul Weprin Democratic Club on Sunday, October 17th, 1999 at the club's 42nd annual dinner dance.

Robert Fonti is an active member of the Board of Governors of the Saul Weprin Democratic Club. He is the President and the CEO of the Vincent James Management Company where he specializes in Real Estate Brokerage and Property management.

An alumni of St. John's University, Robert Fonti earned a Bachelor and a Master of Arts in Government and Politics as well as a Certificate in Public Administration. He is actively involved in professional organizations such as the National Realty Organization, the Real Estate Board of Education, the New York Association of Realty Managers and the National Asbestos Council. As a real estate consultant to the Town of Huntington, Robert Fonti advises the Town Board on all trustee and land use matters. He also serves as the VP of Budget and Finance for Respect for Law Alliance Inc.

Aside from his professional duties, Robert Fonti donates his time and energy to such worthy causes as the New York State Order of the Sons of Italy in America, the Coalition of Italian American Organizations, and the Boy Scouts of America.

Robert is a devoted husband to his wife, Barbara, and father to his daughters, Barbara Olivia and Lauren Anne.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in extending my congratulations to Robert Fonti as he is honored by the Saul Weprin Democratic Club for his years of active service to his community.

IN RECOGNITION OF JAMES CONLON

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to acknowledge an admirable and dedicated resident of Union, New Jersey who has graciously served his community for many years.

James Conlon is a graduate of the Rutgers University School of Law and member of the New Jersey State and Union County Bar Associations. He served for 21 years as a Union Township Committee member where he went on to become Mayor for five terms between 1975 and 1982. Mr. Conlon was an attorney for Union Township from 1982 to 1993 and has been admitted to practice law before the United States Supreme Court.

Mr. Conlon has contributed countless hours of his time to the younger community in Union, as well as to the fight against cancer. He has served as counsel to the American Lung Association of New Jersey and acted as a former trustee for the Boys and Girls Club of Union. In addition, Mr. Conlon has exhibited a strong involvement in the religious community as a member of, and advocate for, the Union Council Knights of Columbus.

Mr. Conlon is an example of courage, integrity, and commitment through his political, professional, and civic efforts to better the community of Union, New Jersey. Please join me in thanking him for his years of service and wishing him continued success.

HONORING WALLACE T. DREW AND DR. URSULA HENDERSON DREW

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues two extraordinary people, who on October 9th were honored by their community with the distinguished United Way Community Excellence Award.

Wallace T. Drew has had an impressive career as a managing director for Revlon, Inc., head of Coty Inc. and Vice President of the local Salomon Smith Barney. Mr. Drew has also been a driving force in countless community service organizations in Santa Barbara. He has served on the boards of the United Nations Association of the USA, United Boys & Girls Clubs, the Santa Barbara Symphony, Lobero Theatre Foundation, and the Santa Barbara Arts Council. He was also founder and Chairman of the Nuclear Age Peace Foundation and Senior Warden at All Saints by the Sea Episcopal Church. In addition, Mr. Drew has served on every committee within the Santa Barbara County United Way organization, including Vice-Chair of ''Burn the Mortgage in 90'' Campaign, founding member of the Endowment Committee and Leadership Circle Committee, and Board Treasurer and President.

Board certified in Psychiatry and Neurology, now retired, Dr. Ursula Henderson Drew was in private practice in Santa Barbara since 1977. She married Wallace T. Drew in 1993. She has served on the Santa Barbara City College Foundation and on the Advisory Committee for the Garvin Theatre. She has also served on the boards of the Santa Barbara Film Festival and the Ensemble Theatre. As Chairwoman of the Department of Psychiatry at Cottage Hospital, she also served on the Committee for the Homeless and the Physician's Well-Being Committee. She currently serves on the Board of the Santa Barbara Mental Health Association. Her latest leadership role has been Co-Chair of a $1.5 million campaign to reopen Health House and retain Sarah House.

Mr. Speaker, I was honored to join the United Way in recognizing Wallace and Ursula Drew for their generosity to the City of Santa Barbara. I am inspired by the Drews' service and commitment to their fellow citizens. The lifetime achievements of Wallace and Ursula Henderson Drew will continue in perpetuity.

TRIBUTE TO BRIGADIER GENERAL ROBERT CARDENAS

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HUNTER. Mr. Speaker, to quote one of our Nation's greatest Presidents, Ronald Reagan:

> Those who say that we're in a time when there are no heroes just don't know where to look. You can see heroes every day going in and out of factory gates. Others, a handful in number, produce enough food to feed all of us and then the world beyond. You meet heroes across a counter—and they're on both sides of that counter. There are entrepreneurs—with faith in themselves and faith in an idea—who create new jobs, new wealth and opportunity. They're individuals and families whose taxes support the government and whose voluntary gifts support church, charity, culture, art and education. Their patriotism is quiet but deep. Their values sustain our national life.

San Diego is fortunate to have many heroes in our community. I would like to take this opportunity to highlight one of our local heroes and honor his sacrifice and achievements.

Many of you may already know the story of Brigadier General Robert Cardenas (USAF retired), one of the greatest test pilots of all time. While General Cardenas is well known for being the pilot of the aircraft that dropped the

X–1 being flown by Chuck Yeager, he also was the test pilot for the ''Flying Wing'', the Northrop YB–49, in 1947 and 1948. The Flying Wing was a revolutionary aircraft at the time and to be chosen as a test pilot was a great honor. It was also a very dangerous assignment. General Cardenas, in an interview described one particular test flight where ''he found himself at the controls of an airplane that was pointing almost straight up; refusing to respond to the controls, it was falling tail-first at 5,000 feet per minute. The aircraft then tumbled over backwards.'' General Cardenas managed to land the aircraft safely. In January 1949, General Cardenas flew the YB–49 on a high-speed exhibition run to Washington, DC, and where a famous picture of the YB–49 flying over the U.S. Capitol was taken.

The Flying Wing project was eventually canceled and the plane was not duplicated until the current B–2 aircraft. It is safe to say, however, that without test pilots like General Cardenas who were willing to risk their lives, we would not have the B–2 today. General Cardenas is a true American Hero and our country owes him a debt for his contributions to the development of our national security.

TRIBUTE TO FORMER PRESIDENT JULIUS NYERERE

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PAYNE. Mr. Speaker, I rise today to pay tribute to a great man, a great statesman, a man of great compassion and a visionary who believed strongly in Africa's ability to forge a prosperous future of unity and peace. Former President Julius Nyerere of Tanzania passed away today in London at age 77 after losing a 2-year battle with leukemia.

Known affectionately throughout Africa as Mwalimu, or ''teacher'' in Swahili, President Julius Nyerere was the father of Tanzanian independence and a symbol of Africa's hope as it emerged from the shadow of European colonial rule.

He led the drive for the independence of his East African nation from British rule and became the country's first president in 1962.

In 1979, in defiance of the Organization of African Unity, President Nyerere sent troops to Uganda in response to the intense suffering of the Ugandan people under the brutal dictatorial regime of Idi Amin Dada. That operation—one of the first humanitarian missions of its kind—would help set a legal precedent for peacekeeping missions all over the globe.

Nyerere stepped down as president in 1985 after 23 years in office to devote his time to farming and diplomacy. He worked tirelessly to negotiate an end to the violence that has plagued central and southern Africa in the past decade.

Most recently, Nyerere's efforts were directed toward mediating an end to the bloody civil war in neighboring Burundi, where more than 200,000 people, mostly civilians, have been killed since 1993.

Nyerere wrote eight books mainly on development and socialism in Africa and Tanzania in particular. He also translated William Shakespeare's plays ''Julius Caesar'' and ''The Merchant of Venice'' into Swahili.

A Roman Catholic, Nyerere was married and had eight children.

The current President of Tanzania, President Mkapa, has announced that a state funeral will be held for Nyerere in Dar es Salaam early next week.

RECOGNITION OF THE 150TH ANNIVERSARY OF PFIZER, INC.

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to commemorate the 150th anniversary of Pfizer, Inc. and to congratulate the company on its pioneering innovations in the vital pharmaceutical industry. Pfizer's story is one of adventure, risk-taking, bold decision-making, and lifesaving. It's the chronicle of a small chemical firm from Brooklyn, NY, which, over the years, has become one of the world's premier pharmaceutical enterprises. Pfizer now employs close to 50,000 people in 85 countries, including 4,939 employees in Groton, CT. Pfizer's products are now available in 150 countries. These products treat a variety of diseases and conditions, such as hypertension, Alzheimer's, infections, diabetes, and arthritis.

Cousins Charles Pfizer and Charles Erhart emigrated to New York from Ludwigsberg, Germany in the mid-1840s. In the U.S., the young cousins united their skills and opened shop as a chemical firm in 1849. Charles Pfizer & Co. filled a gap in the American chemical market by manufacturing specialty chemicals that had not been produced in America. The company made many important breakthroughs and developed popular and effective drug treatments in its first 75 years. Medicines developed by Pfizer helped to save many lives during the Civil War.

However, it took bold decision-making to catapult Pfizer into its role as a trendsetter in the antibiotic era and a leader in the pharmaceutical industry. In 1928, when Alexander Fleming discovered the germ-killing properties of the ''mold juice'' secreted by penicillium, he knew that it could have enormous medical value. Unfortunately, Fleming was unable to mass-produce penicillin. In 1941, following new research relating to this ''wonder drug,'' Pfizer executives risked their own stocks and invested millions of dollars to develop a process to mass–produce penicillin. Thankfully, they were successful. With the U.S. Government desperate for penicillin to aid soldiers in World War II, the company, in true patriotic spirit, agreed to share its method with competitors while still leading the way in penicillin production.

From this point on, Pfizer expanded into a global leadership role in the pharmaceutical industry. The company opened operations around the world and developed new and effective antibiotics to help in the fight against deadly bacteria.

Pfizer has invested a great amount of its resources into R&D—over $2.8 billion in1999 alone. This strategy has resulted in the launch of many successful drugs that help people live better lives. By bringing best-in-class medicines to market and working with patients and physicians to develop comprehensive disease management programs, Pfizer helps people control their illness, rather than letting peoples' illness control them.

Recognized as one of the world's most admired companies, Pfizer was recently named ''Company of the Year'' by Forbes magazine. I applaud the employees of Pfizer in Groton and around the world on the company's 150th anniversary for the many contributions they have made to improving the health and well-being of millions in this country and across the globe.

RECOGNITION OF THOMAS G. LABONTE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. WEYGAND. Mr. Speaker, I rise today to honor the 1999 National Distinguished Principal from the State of Rhode Island, Thomas Labonte. Thom is in Washington this week to join his peers and accept this prestigious honor. I am particularly pleased to honor Thom today, as I have had the opportunity to know him and his family since we grew up in the same city and our paths have crossed numerous times throughout our lives. He worked at the local pharmacy my family frequented, his brother went to high school with me, he was my son's principal in East Providence and his son started as an intern in my State house office and now serves on my staff in Washington.

Thom began as a classroom teacher in East Providence in 1970 and was appointed principal of Kent Heights Elementary School in 1986. During his time at Kent Heights, he oversaw the expansion of this neighborhood school to a school which educates over 320 students today. My son was one of Thom's students before Thom left Kent Heights to become the principal at the Watters and Meadowscrest Elementary Schools and begin his service in Pawtucket in 1990.

When he first arrived at Elizabeth Baldwin Elementary School in Pawtucket, he served as the sole administrator in a school with nearly 800 students, 90 percent of whom were eligible for free or reduced lunch. Considering that working with high risk students is one of his passions, it is no surprise that Thom thrived in this setting. During his time in Pawtucket, he also developed and began the first teacher mentoring program, which provides new teachers with a seasoned and experienced mentor as they begin their careers. This mentoring program has been lauded statewide as a model.

When he arrived in South Kingstown, he continued his refreshing and creative educational leadership. While principal of Wakefield Elementary School, he was appointed to serve concurrently as the director of the Hazard School where he oversaw the rehabilitation and redevelopment of the town's kindergarten center. He continues to provide a stable and thriving learning environment to the students, teachers, parents in the Wakefield School community.

As Thom has said, ''I model the behaviors I want others to emulate, because I truly respect each child, parent, and teacher, and want the school to have a caring atmosphere

which supports others.'' I have visited Wakefield Elementary School and can attest that his simple philosophy has created a learning environment where all kids can learn.

His son once remarked to me that although many children have been blessed with Thom's talents during their time in elementary school, he has been most fortunate to be blessed with his father's talents for his entire life. On behalf of the many children who have been fortunate to have Mr. Labonte as their principal, I offer my congratulations to him and his wife Jane, to whom Thom gives much deserved credit.

TAIWAN'S NATIONAL DAY

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HINOJOSA. Mr. Speaker, I would like to congratulate President Lee Teng-hui and the 21 million Chinese in Taiwan on the occasion of their National Day. At the same time, I wish to convey to President Lee and his people my deep concern about the recent quake that hit their nation. I know rebuilding after the quake is a long painful process, but the good news is that I am confident of President Lee's leadership and his people's industry and perseverance. Taiwan will soon be on its feet again.

Good luck, Taiwan.

COMMENDING THE YOUTH ENTERPRISE IN AGRICULTURE (YEA) PROGRAM

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. BERRY. Mr. Speaker, I rise today to talk about the Youth Enterprise in Agriculture (YEA) program, that has worked so hard to teach young people in Arkansas about the importance of agriculture. Farming has been in my family for generations and I believe that it is one of the most noble professions on earth. I am proud that the YEA program works to teach young people about farming and encourages them to get involved in agricultural careers.

The YEA program was established at the Arkansas Land and Farm Development Corporation in 1991. It was designed as an agricultural career and leadership development program for high school youth to help preserve the small family farm by enhancing youth interest toward farming as a business enterprise and agriculture-related careers. Through work experience, classroom education, leadership development training and career goal-setting, participants are encouraged to continue their education and pursue agriculture-related careers.

YEA provides students, ages 16–19 from Arkansas, Illinois and Mississippi with career and leadership development activities. In the 2-year active training phase, students are offered paid internships with Arkansas family farmers who provide training, work experiences and exposure to agriculture as a lifestyle and business. The YEA program has played an important role in boosting the number of students that are exploring careers in agriculture-related fields.

Through the program, many young people have become strong advocates for agriculture and its diversity and have a broad understanding and mind-set for becoming successful agri-business people and entrepreneurs. These youth represent the next generation of rural leaders and agriculture professionals.

Though only in its ninth year of operation, YEA has been a remarkable success, and has played an important part in the agricultural arena and rural community development and I wish this program more continued success in the future.

IN RECOGNITION OF THE CONTRIBUTIONS OF KENNETH GUNSALUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. GEJDENSON. Mr. Speaker, I rise today to congratulate Kenneth Gunsalus upon his 75 years of service with the Boy Scouts of America. Mr. Gunsalus is a distinguished resident of Putnam, Connecticut, and an extraordinary example for us all.

Mr. Gunsalus has been a Boy Scout since first joining Troop 1 in Putnam, Connecticut in 1925. He attained the rank of Eagle Scout in 1933. During his 40 years as a Scoutmaster, Mr. Gunsalus mentored over 1800 scouts. Even after his ''retirement'' as a Scoutmaster, Mr. Gunsalus has continued to advise young scouts as a Scout committeeman. Thanks to Mr. Gunsalus, hundreds of young men have had the opportunity to benefit from his wisdom and guidance for over seven decades.

Mr. Gunsalus is more than just a dedicated volunteer. He is also a veteran with 4½ years in the Pacific theater in World War II. In his professional life, he worked for Connecticut Light and Power for 43 years.

Mr. Speaker, I join residents from Putnam in congratulating Mr. Kenneth Gunsalus on his decades of service to his community and country. His dedication is a tribute to his family, his society, and serves as a shining example to volunteers across America.

TAIWAN'S NATIONAL DAY

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. REYES. Mr. Speaker, in celebration of Taiwan's National Day, I wish to express support for President Lee Teng-hui, Vice President Lien Chan and Premier Vincent Siew as they take the difficult steps to rebuild their nation in the aftermath of last month's devastating earthquake. As someone who has visited the Republic of China on several occasions since becoming a member of the United States Congress, I have gained a tremendous appreciation for Taiwan and its 21 million citizens.

Taiwan has developed into a world manufacturing and commercial center. Furthermore, their geographic presence in the Pacific is vital to our national security interests. As a consequence, the bonds between our nations are extensive and deep. Hence our nation listened with great concern and sadness as we heard of the devastating earthquake on September 21st. The cost of this natural disaster is unimaginable, with millions of dollars in damage and over two thousand fatalities.

As this tragedy unfolded, our country immediately responded to assist in Taiwan's recovery. The United States government has mobilized search and rescue teams and emergency personnel to assist Taiwan in recovering and rehabilitation efforts. With this assistance, along with additional rescue teams from around the world, some of the pain of this crisis has been alleviated.

Certainly the road to recovery will neither be quick nor easy, however, I am confident that the resilience and strength of the Taiwanese people will allow them to overcome the challenges of reconstruction.

During Taiwan's National Day, I wish to offer my condolences to the Taiwanese government and all Taiwanese citizens. The United States stands ready to assist them during this difficult time.

COMMEMORATING NATIONAL BIBLE WEEK, NOVEMBER 21–28, 1999

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. SMITH of Texas. Mr. Speaker, it is my honor to serve as a Congressional Co-Chairman for this year's celebration of National Bible Week. During this week of Thanksgiving and prayer, it is fitting that we take time to recognize the importance and significance of the Holy Bible and encourage all walks of life to embrace the Bible in their daily lives. I also want to thank Mr. William E. Simon for serving as National Chairperson for the 1999 National Bible Week.

I commend the endeavors of the National Bible Association for setting aside this week to celebrate our common faith and to encourage others to read the Bible. It is in the Bible that we realize the wisdom of the Lord, and the true meaning of charity, love, and forgiveness. We must do more, through government and private action, to strengthen our families, care for our aging parents, and show hospitality to our neighbors. I am confident that in the Bible we, as a people and a world community, can find the answers to solving many of the problems we face in today's society.

I encourage all people, young and old, man and woman, rich and poor, sick and healthy to open up your lives to the teachings of the Holy Bible.

RESTORE BBA–97 MEDICARE FUNDING CUTS TO HOME HEALTH, HOSPITALS AND NURSING HOMES

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. RAHALL. Mr. Speaker, I am pleased to speak on the urgent matter of making restoration of Medicare funding to our home health

agencies, hospitals and nursing homes, especially those that serve rural areas.

We are here to again bring to the attention of the House, and the American people, the absolute urgent need to take action before the end of this session of Congress—to restore Medicare funding and make other administrative adjustments to cutbacks imposed under the BBA of 1997.

The BBA–97, as it is called, proposed to cut $115 billion from Medicare by either terminating or massively reducing Medicare reimbursement to providers of health and medical care for senior citizens and the disabled.

The effect has been that with only one-third of the mandated Medicare cuts having been implemented so far, the total cut is not $115 billion—it already totals more than $206 billion.

Imagine what will occur if the other two-thirds of proposed Medicare cuts are implemented in the coming year.

In West Virginia, the hardest hit segment of our health care delivery system has been among home health agencies. We have seen the closure of 18 of our home health agencies, and drastic reductions in staff and services at those still operating.

Our hospitals—especially the rural hospitals—are suffering the same kind of financial crush—with many of them having already drastically reduced staff, and dozens that have had to curtail services for outpatient care.

I just received word yesterday that the Appalachian Regional Hospital at Man, West Virginia, may be forced to close by the end of October—due in part to the loss of Medicare reimbursement. Another local hospital nearby which is in financial difficulty also, may eventually close. These are the only two hospitals serving a large rural county in my district. It is obvious that the closure of one hospital is bad enough—closure of two would create critical access problems for my constituents in need of emergency room care, inpatient care, and outpatient clinic services.

The same kind of burden has been placed upon nursing homes where the sickest, poorest and most vulnerable Medicare beneficiaries are cared for—and due to infirmities caused by age and disease—from heart problems to diabetes to stroke—they are the most costly of patients.

We have reached this impasse tonight because, in my view, Congress balanced our Nation's budget on the backs of its elderly, disabled, homebound citizens whose only help comes from Medicare.

It is my understanding—and if true I applaud him—that our colleague and friend, Representative BILL THOMAS, Chair of the Ways and Means Health Subcommittee, will have introduced today—a plan to restore some of the BBA cuts to Medicare.

The first words that occurred to me when I heard about the Thomas plan was: It's about time.

But I genuinely applaud his effort because it is important to have our Health Subcommittee Chairman on record as having acknowledged the adverse impact of the Medicare cuts imposed on providers of this country's health care for our most needy, most vulnerable senior citizens.

It wasn't that long ago that we were constantly admonished not to pay any attention to our home health agencies about the Medicare cuts—even as they closed over 2,000 of them nationwide—18 of them in my State.

We were told that the cuts were not too deep, and that the impact was not so adverse as to require congressional action to restore them.

And so again I greet Chairman THOMAS' plan for restoring some of the BBA–97 Medicare cuts with genuine hope and lingering uncertainty, because we have not seen the details.

I am also gratified to hear—after preaching on the subject for two long years—that the Administration is looking into ways that Medicare reimbursement cuts can be restored through administrative action.

My colleagues here on the floor tonight will recall with me that we suggested this administrative action in a half-dozen letters to the Administration beginning over two years ago. But we were told that the BBA–97 was so tightly written that only legislative relief could help restore the Medicare cuts. We were told that the Administration had no ''wiggle room'' to act on its own.

Once the details of the Thomas plan are available to us for our study—we will know for sure whether he has sent the Fire Brigade to our rescue, or if we are being handed a pitcher of spit to try and extinguish the fires of neglect brought to our health care delivery system through the excessive Medicare cuts contained in the BBA of 1997.

Finally, Mr. Speaker, I say only what many of us have been saying all along—that we must work together to get this burgeoning loss of health services under control.

Chairman THOMAS has taken a first step in leading Congress to act before the end of this year.

This is an important day—and I have every hope and expectation that Congress will move quickly and effectively to address the needs of our home health agencies, our hospitals, our nursing homes—providers who deserve our thanks and our support for this restoration of Medicare cuts imposed by BBA–97.

TRIBUTE TO DR. HECTOR O. NEVAREZ

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. ORTIZ. Mr. Speaker, I rise to commend Mr. Hector Nevarez who recently retired from the Federal Government after 30 years of distinguished service. I would like to commend him for his patriotism in serving our nation.

Our men and women in uniform and their families owe him a special debt of gratitude for his hard work in improving their quality of life over the course of his career. As the director of the Department of Defense Domestic Dependent Elementary and Secondary Schools, and as superintendent for Department of Defense overseas schools in Panama and Cuba, he raised the quality of these school systems to sterling heights. In doing so, he earned the respect and confidence of all those he served.

I know that his recent efforts as the director of support and deputy executive director of congressionally mandated Commission for Servicemembers and Veterans Transition Assistance contributed significantly to the enactment of legislation this year that greatly improves the benefits for servicemenbers and veterans.

He did very important work as the Federal Advisory Committee Act official for the President's panel on the disposition of Vieques. This sensitive position required the utmost in personal and professional integrity which he embodied throughout.

In these executive level positions, Mr. Nevarez displayed impeccable character and leadership worthy of the Senior Executive Service rank he holds. He epitomizes the value of including everyone in the government of our country and the values of fair play that are a tradition in our culture.

I ask my colleagues to join me in wishing him the best as he moves into another phase of his life, and I am sure that he will be as successful as he has been in Government.

TAIWAN'S NATIONAL DAY

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. COOKSEY. Mr. Speaker, I want to congratulate President Lee Teng-hui of the Republic of China on the occasion of Taiwan's National Day. In the past decade, Taiwan has achieved remarkable economic and political growth. Taiwan enjoys one of the highest standards of living in Asia, and its people enjoy all the political freedoms of a full democracy.

I am pleased to learn that the Taiwan Government has been doing its best to assist all those that have been affected by the September 21 earthquake. Because of Taiwan's progressive leadership I feel certain the recovery from the earthquake will be swift.

My thoughts and prayers are with the good people in Taiwan during this difficult period in their lives.

IN RECOGNITION OF ANTHONY RUSSO

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to recognize an individual who exemplifies the essence of public service.

Anthony Russo has made significant contributions as a leader in Union, New Jersey for many years. After receiving his law degree from Rutgers University and becoming a member of the Union County Bar Association, Mr. Russo was admitted to practice before the United States Supreme Court. He served as a Union Township Committee member for 27 years, Mayor for nine terms, and New Jersey Senator from 1978 to 1981. Mr. Russo is the current Union County Adjuster—a position he has held since 1972.

Mr. Russo is a pillar of society who has illustrated genuine dedication to cancer-fighting organizations and with Union Township's youth. He was an original organizer of the Boys Club of Union, now known as the Boys and Girls Club of Union, and served in several leadership positions within the group for many years. In addition, Mr. Russo has volunteered his fund raising efforts on behalf of cancer research for the Union County Chapter of The

American Cancer Society as well as the March of Dimes, Boy Scouts, Mental Health and the American Red Cross.

Mr. Russo's dedication has earned a great deal of acknowledgment by numerous political, civic, and community organizations. Indeed, he is a hard worker whose selfless efforts continue to be an inspiration to his community. Please join me in thanking him for bringing real leadership to Union, New Jersey and wishing him the best in his future endeavors.

HONORING RAYTHEON SYSTEMS COMPANY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. CAPPS. Mr. Speaker, today I rise to bring to the attention of my colleagues an extraordinary company in my district—Raytheon Systems Company.

Since 1956, when Raytheon Systems Company located in Santa Barbara, the impact of the Company's vision and commitment to our community has been known. The employees of Raytheon for the last four decades have been consistently working to make Santa Barbara a better place by their involvement in their children's PTAs, scout troops, and churches. Raytheon has also been very involved with local youth through their sponsorship of career fairs, mentoring and shadow programs. Raytheon and its employees are most recognized for their support of local public education by the donation of countless computers and copiers through the Adopt-a-School program and the Computers for Families Project. Their contributions to schools and to our children have been recognized by the Santa Barbara Industry Education Council and many other organizations committed to education.

Equally important has been the personal involvement of the top management of Raytheon in United Way annual campaigns. Over the last 23 years, hundreds of Raytheon executives and employees have contributed thousands of volunteer hours to United Way fundraising, allocations review and Day of Caring activities. The Company and employees have also contributed millions of dollars to the Health and Human Services network in South Santa Barbara County that provides a helping hand up to more than 60,000 local residents annually.

Mr. Speaker, I was honored to join the United Way in recognizing Raytheon Systems Company. The Company and its employees have made immeasurable contributions to the City of Santa Barbara. I believe that the spirit of generosity and leadership shown by Raytheon Systems Company is an example for the Nation.

CENTRAL NEW JERSEY RECOGNIZES JIM GRATTON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HOLT. Mr. Speaker, I rise today in recognition of Jim Gratton, who has served the labor movement in a variety of capacities for 44 years. Mr. Gratton has led local union members as business manager of Local Union 400 and as president of Monmouth/Ocean Building Trades.

In 1974, Mr. Gratton negotiated a maintenance agreement for the building trades at Oyster Creek Nuclear Generating Station. Prior to this agreement there was no union involvement in any maintenance or shut down work. Mr. Gratton also went to work negotiating the development of a second nuclear plant at the Oyster Creek site, and the project's labor agreement went on to set the standard for such agreements across the country.

Under Mr. Gratton's leadership Local 400 grew in the 1970s and 1980s. He worked to establish a residential program that enabled the local unions to have greater control of its jurisdiction. His administration promoted both an annuity fund to secure better retirement packages and a Trades Assistance Program to aid union members suffering from drug and alcohol abuse.

Recognizing the need for qualified linemen, Mr. Gratton convinced Northeast Apprentice Training program to use Local 400's property as the site for their school. Line apprentices still learn their basic skills at this facility. He also promoted the Monmouth and Ocean Development Council and received their ''Man of the Year Award'' in 1992. He is the 1998 recipient of the Alliance for Action's Silver Gull Award.

In 1998 Jim retired from his IBEW positions and from the presidency of the Monmouth and Ocean Building Trades. During his three decades of leadership his union organizations grew in both size and stature. He serves as a model for labor leaders in our state. Currently Jim remains active in rebuilding and revitalizing Asbury Park, the Charter city of his Local 400.

I urge all of my colleagues to join me in recognizing Mr. Gratton's community service. I extend to him my gratitude, and the best of luck in any future endeavors.

THE 125TH ANNIVERSARY OF THE BUDD LAKE UNION CHAPEL, COUNTY OF MORRIS, NJ

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 125th Anniversary of the Budd Lake Union Chapel, County of Morris, NJ.

Allow me to recount the history of the Chapel. Mrs. John Chipps started a Sunday school in the home of John Budd in 1871. That year seven teachers taught forty students. On August 14, 1872, Budd deeded land to the trustees to erect a chapel ''for the use of all Protestant denominations.'' Three years later, in 1875, the church was dedicated.

From late 1875 to 1880, especially during the winter months, attendance was at times low, but the desire to serve the community and the spirit of the congregation carried them through the rougher times. By the mid-1900s, the congregation was growing, holding fairs and Christmas shows and purchasing a new organ for the Chapel.

In 1954 and 1955, the Chapel was incorporated and the Board of Trustees announced that the Reverend Glenn C. Tompkins, would serve as the Chapel's first full-time minister. During the Reverend's tenure, the Chapel adopted a Constitution and bylaws, made structural improvements and was active in the surrounding community. The dedication of Faith Hall and addition to the original chapel took place on March 26, 1962.

Throughout the 1960s, the Budd Lake Union Chapel served the community, both locally and globally. The Women's Guild raised funds to improve the physical structure of the buildings, and the Chapel supported missionaries around the world.

Mr. Speaker, for the past 125 years, the Budd Lake Union Chapel has prospered enormously in order to unite the community and it will continue to do so for many years to come. Mr. Speaker, I ask you and my colleagues to congratulate the congregation of the Budd Lake Union Chapel on this special anniversary year.

PERSONAL EXPLANATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FORD. Mr. Speaker, during the debate surrounding H.R. 2436, the Unborn Victims of Violence Act, I was present on the House floor. When the yea's and nay's were recorded for rollcall votes 463 and 464, the electronic voting device correctly recorded my vote as ''no'' and ''aye'' respectively.

On rollcall vote 465, the electronic voting device failed to properly record my vote due to what was later determined to be a malfunctioning vote card. Indeed, Mr. Speaker, I was present and did vote ''no'' on rollcall 465; however, due to a defective voting card, my vote was not recorded.

In addition, Mr. Speaker, I could not be present for rollcall votes 466 through 469. Had I been present for rollcall vote 466, I would have voted ''aye''; for rollcall 467, I would have voted ''aye''; on rollcall 468, I would have voted ''no''; and on rollcall vote 469, I would have voted ''aye.''

CONGRATULATING PEERLESS ROCKVILLE ON ITS TWENTY-FIFTH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. MORELLA. Mr. Speaker, I rise in recognition of Peerless Rockville as they celebrate their 25th anniversary. This committed organization has advanced historic preservation in the community of Rockville, Maryland since 1974. The crowning event of this majestic year is the anniversary gala celebration scheduled for November 5th. I praise Peerless for their continuing advocacy on behalf of Rockville's historic resources.

The fundamental mission and goal of Peerless Rockville is the preservation of historic buildings, objects, and information important to

the heritage of this community. Historic structures across our nation too often crumble and fall into disrepair. Using education, advocacy, and community involvement, Peerless Rockville has worked to protect and strengthen many of these treasures in Montgomery County.

Peerless Rockville has been recognized for its emphasis on the preservation of neighborhoods and community. This year, the Maryland Historical Trust selected Peerless Rockville for a 1999 Preservation Service Award. This honor recognizes accomplishments that advance the public appreciation, understanding, and involvement in historic preservation at the local or regional level.

Over the past twenty-five years, Peerless Rockville has successfully protected much of Rockville's historic character. For example, the rescue of the adored Wire Hardware store would not have been possible without the tireless efforts of Peerless Rockville. The organization has raised funds for the restoration of the Grand Courtroom in the Red Brick courthouse. They have researched and identified more than 400 historic sites in every neighborhood of Rockville. In short, Peerless Rockville has preserved the structures and traditions in their local community.

Mr. Speaker, I would like to offer congratulations and my warmest wishes to Peerless Rockville as they celebrate this important milestone. May their leadership and devotion continue to enrich the community for many years to come!

IN RECOGNITION OF FATHER HUMMEL

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. FRANKS of New Jersey. Mr. Speaker, I rise before you today to recognize an outstanding individual who is an exemplary role model for New Jersey and the nation, Father Donald K. Hummel.

As a result of 25 years of service to his community and the nation, Father Hummel is being presented with the Distinguished Eagle Scout Award on Thursday, October 21, 1999. He is the first Catholic parish priest to ever receive this award—a truly amazing accomplishment.

Father Hummel currently serves as the Associate Pastor/Parochial Vicar at Saint Helen's Roman Catholic Church in Westfield, New Jersey in my Congressional District. He has dedicated his life to helping others by serving as the Police Chaplin in Westfield and as a member of the International Conference of Police Chaplains and the Union County Coalition for Substance Abuse. He is also a teacher with Saint Helen's Christian Foundation for Ministry Program and serves as Eagle Chairman of the New Jersey Chapter of the Sons of the American Revolution.

Mr. Speaker, as you can see, Father Hummel is truly an outstanding individual who deserves to be recognized. Therefore, I ask you to please join me in congratulating him on receiving the Distinguished Eagle Scout Award and wishing him continued success.

PAUL-DOOLITTLE AMENDMENT TO H.R. 3037

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PAUL. Mr. Speaker, today I am placing in the CONGRESSIONAL RECORD an amendment I, along with my colleague, Mr. DOOLITTLE of California, are offering to H.R. 3037, the Labor/HHS/Education Appropriations bill, to reduce funding for the National Labor Relations Board (NLRB) by $30,000,000, increase funding for the Individuals with Disabilities Education Act (IDEA) by $25,000,000 and apply $5,000,000 toward debt reduction. Our amendment provides an increase in financial support to help local schools cope with the federal IDEA mandates by reducing funding for an out-of-control bureaucracy that is running roughshod over the rights of workers, and even defying the Supreme Court!

The NLRB has repeatedly proven itself incapable of acting as an unbiased arbiter for individual employees. Most recently the NLRB established a new nationwide rule that union officials may force employees to pay for union organizing drives as a condition of employment—directly contradicting several Supreme Court rulings!

It is an outrage that the tax dollars of working men and women are wasted on an agency that flaunts Supreme Court rulings in support of its forced-dues agenda—especially when local schools are struggling with the IDEA mandate that they provide a ''free and appropriate'' public education to children with disabilities.

Congress must make funding for schools and disabled children a greater priority than funding for a rogue federal agency. Therefore, I hope all my colleagues will support the Paul-Doolittle amendment to H.R. 3037.

RECOGNIZING THE CITY OF LARGO, FLORIDA AS A FINALIST FOR THE INNOVATIONS IN AMERICAN GOVERNMENT AWARDS

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. YOUNG of Florida. Mr. Speaker, I rise today to commend the City of Largo, Florida in the Tenth Congressional District which I have the privilege to represent. The city has recently been named a finalist for the Innovations in American Government Awards and it is most fitting that we in Congress recognize this outstanding achievement.

In 1997, the City of Largo noticed a problem with its processing of evidence in domestic violence cases, which in turn resulted in a low filing rate for instances of spousal and child abuse. To respond to this critical problem, Largo launched a secure internet site to house evidence relating to domestic violence cases. This site is available to law enforcement personnel, prosecutors, and judges, creating a much more efficient and effective way of handling domestic violence cases. The results have affirmed Largo's innovative initiative. Since implementation of this program, the prosecution rate for domestic violence cases has increased from 16 to 50 percent.

This outstanding program deserves to be recognized by the Innovations in American Government Awards, and likewise deserves to be recognized by this Congress. We are all concerned about reports of domestic violence, and all of us in this House would certainly do whatever we can to put an end to this crime. That is why it is most fitting that my colleagues and I rise today to commend this aggressive program developed by the City of Largo.

Please join me in saluting our city's leaders and this outstanding program as they are honored with this prestigious award.

MILITARY COUP IN PAKISTAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. BERMAN. Mr. Speaker, the military coup in Pakistan is an unfortunate setback for democracy in South Asia. It stands in stark contrast to last month's elections in India, which reaffirmed that nation's strong commitment to democratic values.

Until democracy is restored in Islamabad, it would be a mistake for the Clinton administration to waive existing sanctions that prohibit arms transfers and military training. In addition, the administration should immediately take steps to invoke section 508 of the Foreign Operations Appropriations Act, which prohibits certain foreign assistance to any country whose duly elected head of government has been deposed in a military coup.

Democracy in Pakistan was far from perfect under Prime Minister Nawaz Sharif. Indeed, his government severely limited free political expression and often failed to respect basic human rights. Nevertheless, the fact remains that Sharif and his party were supported by an overwhelming majority of voters in 1997 elections judged to be free and fair. The failings of his administration do not justify the military's subversion of the constitutional order.

At times the Clinton administration has gone out of its way to avoid triggering section 508. For example, Hun Sen's bloody 1997 takeover of the Cambodian Government, in which over 40 military and political leaders were killed, was never designated as a coup. Although Gen. Pervez Musharraf's recent coup was ''bloodless,'' and despite the fact that applying section 508 to Pakistan would only involve only a very limited amount of aid, we must send a strong signal to other would-be military strongmen that the United States will not tolerate such anti-democratic actions.

I urge the Clinton administration to promptly apply section 508 to Pakistan.

A TRIBUTE TO JODI SCHWARTZ

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. LOWEY. Mr. Speaker, I rise today to express my great admiration for Jodi J.

Schwartz, an outstanding attorney and community leader who will be honored with the George A. Katz Torch of Learning Award from American Friends of the Hebrew University on October 19th.

Ms. Schwartz is a partner at the prestigious firm of Wachtell, Lipton, Rosen & Katz. As a widely-respected expert in merger and acquisition transactions, she has been at the center of some of the most important business arrangements of the decade, including AT&T's acquisition of MediaOne and TCI, USA Network's acquisition of Universal Studios, and AT&T international telecommunications' joint venture with British Telecommunications.

Ms. Schwartz brings to her professional challenges a powerful intellect, a deep commitment to the law, and a profound understanding of the global economy. These skills alone merit the applause and admiration of those who know her.

But Ms. Schwartz's accomplishments do not end at the bar. Indeed, her volunteer and community service efforts are just as impressive.

She has served on the Executive Committees of AIPAC, the Israel Policy Forum, the Jewish Community Relations Council, and the Jewish Board of Family and Children's Services. In addition, Ms. Schwartz has been nominated to serve as an officer of UJA-Federation of New York.

Ms. Schwartz's devotion to the Jewish community and to the values of community service embody the admonition ''Tikkun Olam''—repair the world. She is an inspiration to colleagues and friends, and a great credit to our Nation.

It is my pleasure to join in saluting Jodi Schwartz and in thanking her for so many outstanding contributions to her field and to our country.

HONORING THE PASADENA LIVESTOCK SHOW AND RODEO ON ITS 50TH ANNIVERSARY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. BENTSEN. Mr. Speaker, I rise to recognize the Pasadena Livestock Show and Rodeo as a celebration of our ranching and agricultural traditions that has inspired the Pasadena community for 50 years. The founders of the Pasadena Rodeo created the celebrated event in 1949 to bring the citizens of Pasadena together, offer opportunities for the community youth, and to preserve the lifestyle and moral convictions of an agricultural era that was quickly passing. I don't believe that the founders themselves fully realized to what extent their ambitions would be realized. Fifty years later, the Pasadena Livestock Show and Rodeo is stronger than ever, bringing joy and togetherness to the community, especially to children, who learn that being a cowboy or cowgirl is to possess independence, compassion, and integrity. The code of the cowboy, which the Pasadena Rodeo has brought to life for generations, is that of a person who strives to preserve his honor and his self-respect while offering the same to others.

The forefathers of the Pasadena Rodeo such as J.W. Anderson, Edgar L. Ball, Jack J. Blankfield, C.T. Gary, L.S. Locklin, J.M. Magruder, Jr., Rushing Manning, William E. Meyer, O.D., J.W. Nagel, J.C. Thomas, Sr., W.R. Turner, M.J. Wright, Frank S. Young, Jr., L.O. Zelgar, and Norman L. Zelman had a vision. The wanted to illustrate how the business community, the cowboy, and a rural lifestyle could work together successfully.

Today's Rodeo organizers and volunteers, including David Gresset, Bill Bezdek, J.J. Isbell. Mike Blasingame, Jay Goyer, David Ghormley, Rex Davis, Billy Don Ivey, LeRoy Stanley, Nanci Szydlik, Earl Baker, Frank Baker, Errol Slaton, Sherri Harnar, Karen Brown, and Rhonda Stevens take seriously this Texas legacy. Like their many dedicated predecessors over a half century, they too have fashioned an event celebrating good sportsmanship, regional music and agricultural know-how to help our youth understand that being a ''cowboy'' is not merely being a ''bow-legged bronco-riding country boy,'' looking for a ''rootin-tootin good time.'' Being a cowboy requires maintaining good business ethics, setting goals, and making decisions. For 50 years the Pasadena Rodeo has delighted our children and showed them that being a cowgirl or being a cowboy means following through on one's commitments, setting goals, and achieving those goals both personally and professionally.

Although the Pasadena Livestock Show and Rodeo provides a wide range of entertainment during the year, the major function of the organization is to send as many of our community's graduating seniors to college as possible through the awarding of scholarships. That commitment to youth and to the power of education is a testament to the men and women who have carried on our Rodeo tradition 50 years.

Mr. Speaker, I congratulate the people who have brought us the Pasadena Livestock Show and Rodeo for half a century, and I thank them for their contributions toward ensuring our community, and especially our children, experience the joys and values of our longtime rodeo tradition.

SUPPORTING ''BROADBAND'' NETWORKS

HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. JACKSON of Illinois. Mr. Speaker, the Telecommunications Act of 1996 promised new investment in high-speed digital networks capable of sending and receiving huge amounts of data and information. These networks, known as ''broadband,'' are far superior to dial-up technology that relies on modems and conventional telephone lines. Make no mistake, broadband networks are a critical part of the continued growth of the Internet. However, the promise of the Telecommunications Act has not been met. Thus far, the main beneficiaries of these state-of-the-art networks are almost exclusively downtown business centers. Broadband services simply aren't widely available to people and small businesses, like my constituents in the second district of Illinois.

I have reviewed letters and other communications from the University of Illinois, Northwestern University, Western Illinois University, the State Board of Education, the Board of Higher Education, and the Illinois Department of Central Management Services as well as several community colleges and small businesses on this issue.

I am convinced that we need to take definitive and immediate steps to deal with the digital divide. If we don't we will be a nation of ''haves'' and ''have nots.'' That's exactly what's occurring today and why I hope we will advance legislation to address this problem. As a matter of public policy, we should remove outdated regulations and encourage investment and competition by local telephone companies in the Internet's network backbone.

Mr. Speaker, we owe it to our constituents to keep the promise of a bright technological future for all Americans.

TRIBUTE TO ERIC ANDREW THACH

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to pay tribute to Deputy Sheriff Eric Andrew Thach who was killed in the line of duty last week in Riverside, CA. Deputy Thach was born on March 19, 1965, in Van Nuys, CA. He was hired by the Riverside County Sheriff's Department on September 30, 1996. He served as a Deputy Sheriff assigned to Corrections, and then transferred to a field patrol assignment serving from the Jurupa Sheriff's Station.

On Friday, October 8, 1999, Deputy Thach, while investigating an in-home burglary, was shot and killed. Although his time in our community was short, Deputy Thach was known as an exemplary officer who lived his life with strength and courage. Our community is deeply saddened that he was taken from us so soon. He will live on in our memory. My thoughts and prayers go out to his widow, Evelyn; his daughter, Shana; and his colleagues, who mourn his loss.

Mr. Speaker, law enforcement officers put their lives at risk every day to ensure the safety of our citizens. Deputy Thach paid the ultimate price for our safety with his very life. I am deeply honored to recognize Deputy Thach for his tremendous service and sacrifice for the citizens of Riverside County. His brave service to our community will not be forgotten.

TRIBUTE TO MYREL FRANK

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. LUCAS of Oklahoma. Mr. Speaker, I rise today to recognize and celebrate the 100th birthday of Mrs. Myrel Frank. Mrs. Frank was born in Oklahoma City today, October 14 in 1899, the same year William McKinley was United States President and Oklahoma was still a territory. She graduated from high school in 1918, while the ''Great War'' raged on in Europe. And she married in 1920, the year Oklahoma Republicans elected their only majority in the Oklahoma State House of Representatives.

Mrs. Frank and her family moved to Yukon, OK, in 1935 where they weathered the Great Depression and watched as many fellow Oklahomans left the state, making the journey to the picking fields of California. Mrs. Frank, her husband and four children, however, stayed on in Yukon where she resides today.

Mrs. Frank has witnessed a century of our nation's history. Classroom and library textbooks can only provide so much historical detail for present and future generations. It is the oral history—the personal stories experienced and told by those who come before us—that truly makes our nation's history come to life. I thank Mrs. Frank for continuing to share her stories with us, and I extend my sincerest birthday wishes to her today on her 100th birthday. I hope that the years to come only add to an already impressive treasure chest of experiences and stories. Happy Birthday.

AMERICAN INDIAN EDUCATION FOUNDATION

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KILDEE. Mr. Speaker, as Co-chairman of the House Congressional Native American Caucus, it is an honor for me to introduce a bill creating an American Indian Education Foundation. I especially want to thank the original cosponsors of this bill; they include: Representatives PATRICK KENNEDY, GEORGE MILLER, TOM UDALL, J.D. HAYWORTH, EARL POMEROY and JIM KOLBE.

As a senior member of the House Education and the Workforce Committee, I have enjoyed the opportunity of developing proposals designed to support Indian education. Up for reauthorization this Congress is the Elementary and Secondary Education Assistance Act that includes a section devoted to Indian education. This act supports the educational, cultural and academic needs of American Indian, Alaska Native and Native Hawaiian children.

It is estimated that the BIA educates approximately 12 percent of the Native American K–12 population. This means that 88 percent of our American Indian and Alaska Native youth rely on supplemental educational programs like Johnson O'Malley. This program provides services to more than 200,000 Indian students. However, these programs are drastically underfunded.

A critical need for an increase in funding for school construction exists in Indian country. When I came to Congress 23 years ago, I was appointed chairman of the Indian Education Task Force. I will never forget visiting schools that were in such poor condition that the children of these schools could barely keep warm let alone have a chance at getting a decent education. I know that the judges in my hometown in Michigan shutdown prisons that were in better condition than many schools I visited.

Our Native American students deserve a decent education. It is our responsibility to ensure that our children are studying in environments conducive to learning. I support the creation of an American Indian Education Foundation because I believe Congress must find a new way to supplement current funding for BIA Indian education programs. The Foundation would encourage gifts of real and personal property and income for support of the education goals of the BIA's Office of Indian Education Programs and to further the educational opportunities of American Indian and Alaska Native students.

The governing body of the Foundation would consist of nine board of directors who are appointed by the Secretary of Interior for an initial period. The secretary of Interior and the Assistant Secretary of Interior for Indian Affairs would serve as ex officio nonvoting members.

Members of the board have to be ''knowledgeable or experienced in American Indian education and . . . represent diverse points of view relating to the education of American Indians.'' Election, terms of office, and duties of members would be provided in the constitution and bylaws of the Foundation. Administering the funds would be the responsibility of the Foundation.

This bill would allow the Secretary of Interior to transfer certain funds to the Foundation. It is my understanding that the initial funding for the Foundation would come from existing donations or bequests made to the BIA. Funds prohibited by the terms of the donations would not be used for the Foundation.

The Foundation is not a new idea to Congress. Congress has, from time to time, created federally chartered corporations. In 1967, Congress established the National Park Foundation. The purpose of the Foundation is to raise funds for the benefit of the National Park Service. Funds received from individuals, corporations, and foundations are distributed to individual parks through competitive grants. My bill is modeled after the 1967 Act.

I believe that an American Indian Education Foundation could be just as successful as the National Park Foundation. I want to emphasize that I believe that Congress has a Federal trust responsibility to ensure that every Native American receives a decent education. This Foundation would not replace that responsibility, but would supplement it through grants designed to support educational, cultural and academic programs.

Mr. Speaker, this concludes my remarks on creating an American Indian Education Foundation.

THE AMERICAN INDIAN EDUCATION FOUNDATION ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KENNEDY of Rhode Island. Mr. Speaker, it is an honor to be able to join my friend and cofounder of the Native American Caucus, Congressman DALE KILDEE, for the introduction of this legislation.

Over the past several years it seems to me that Indian Country has continually been on the defensive. Often tribes have had to struggle to simply keep the status quo against legislative proposals that would serve to undermine Tribal sovereignty and weaken the trust relationship.

Today can be different. Today we have a chance to do something positive for Indian Country. Right now we can begin a process where the hallmarks of treaty and trust are celebrated. We can offer Indian Country a distinct opportunity to improve the quality of life for future generations of Native children.

As I am sure the committee is well aware, the state of education in Indian Country is far below that of non-Native communities.

The per pupil expenditure for public elementary and secondary schools during the 1994–95 school year was over $7,000. The Indian Student Equalization Program funding for BIA students was about $2,900.

Unlike public schools which have State and local resources for education programs, Indian schools in the BIA are totally reliant upon the Federal Government to meet their educational needs.

According to the 1990 Census, the American Indian poverty rate is more than twice the national average as 31 percent of American Indians live below the poverty level.

The 1994 National Assessment of Education Progress showed that over 50 percent of American Indian 4th graders scored below the basic level in reading proficiency. Another NAEP assessment showed that 55 percent of 4th grade American Indian students scored below the basic level in mathematics.

American Indian students have the highest dropout rate of any racial or ethnic group (36 percent), and the lowest high school completion and college attendance rates of any minority group. As of 1900, only 66 percent of American Natives aged 25 years or older were high school graduates, compared to 78 percent of the general population.

Approximately one-half of BIA/tribal schools (54 percent) and public schools with high Indian student enrollment (55 percent) offer college preparatory programs, compared to 76 percent of public schools with few (less than 25 percent) Indian students.

Sixty-one percent of students in public schools with Indian enrollment of 25 percent or more are eligible for free or reduced-price lunch, compared to the national average of 35 percent.

And finally, many of the 185 BIA-funded schools are in desperate need of replacement or repair.

Members of the Committee, it is clear from these statistics that there is a pressing need in elementary and secondary Indian education. My colleagues, this is a situation which must be met with fierce determination. We need to support an aggressive agenda for Indian education because the current landscape is not meeting the challenge.

Right now, the BIA and Office of Indian Education is not authorized to distribute privately donated monetary gifts or resources to supplement the missions of these agencies. Yet every year numerous inquiries from the public are made as to where they can donate funds that will be spent wisely on behalf of Indian education. Simply put, we are missing out on a unique opportunity to help funnel nongovernmental resources into Indian education. Ultimately, I believe this legislation is the appropriate answer to this situation. We can give the public a high profile mechanism to reach out to Indian Nations in a way that is apolitical and noncontroversial.

Simply put, the establishment of an American Indian Education Foundation is good government. It speaks to a modern way of doing things in which successful private-public partnerships are created. It is also an efficient way to get at the heart of a very pressing problem without placing an undue additional burden on taxpayers.

Within 2 to 3 years after enactment of this bill the Foundation should be completely self-sufficient and will not use more than 10 percent of its generated funds to pay for operating expenses. My colleagues, lets be clear at the outset—the purpose of this legislation is not to create a new level of bureaucracy or make some staffer rich. In my opinion such a situation would be one more example of where this government has failed in its trust duty to Indian Country. In brief, it is my intention to hold the bureaucracy to the letter of the law that we are now beginning to draft.

As for the role of Congress I do want to make one thing perfectly clear. It should not be the intent of this legislation to use the funds raised to take the place of existing Indian education programs. Rather, these funds should be considered entirely separate and supplemental to the efforts of the Federal and tribal governments.

My colleagues, we all understand the budget shell game and I do not want to see the success of this program leveraged against governmental funding for teacher training, school modernization, and education technology initiatives.

In short, I do not want to hear one voice out there saying that we do not need to fund the Office of Indian Education because the Foundation has X amount of dollars in its account. To do so would again be another slight against our trust and treaty obligations to the First people of this Nation.

In the end, I want to reiterate the obvious. Indian Country is lacking in the resources needed to train its children for the demands of the global economy.

The 106th Congress has a chance to help rectify this problem. While we should continue to allocate more Federal resources towards the growing population of children within Indian Country we can also make it easier for private interests to become involved. Helping Indian children achieve is not only a public trust but a private one as well.

Mr. Speaker, I hope the House will move this legislation in a expeditious manner.

THE GOVERNMENT OF SUDAN'S ANNOUNCED INTENTION TO CONFISCATE THE PROPERTY OF THE EPISCOPAL DIOCESE OF KHARTOUM

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. HALL of Ohio. Mr. Speaker, religious freedom and the lives of many faithful Christians are in grave danger in Sudan. The latest threat arise from the Sudanese government's planned seizure on October 16 of the headquarters of the Episcopal Church in Omdurman, part of greater Khartoum. These buildings, home to the Episcopal Church of Sudan since 1925, are occupied by clergy and lay people who will not leave until the matter is resolved. Christians in Sudan and their friends elsewhere have been called to several days of fasting and prayer, beginning October 15.

These buildings are being seized on a pretext, just as the government, which also refuses to grant permission to build any new churches in Khartoum, has illegally seized many other pieces of church property. Local Christians had taken to the streets to protest the planned seizure last month, and the government announced that it would give title to the property to the church. The government has since reversed itself and announced plans to go forward with the seizure. I fear the seizure will trigger violence or bloodshed. Unarmed clergy and lay persons holding vigil within the compound could be in harm's way.

The action by the government in Khartoum makes a mockery of its claims to respect religious freedom and human rights, and demonstrates, yet again, its intentions to continue to persecute Christians and Muslims who do not agree with the regime's particular brand of Islam.

The United States government has been active in opposing this kind of human rights abuse in Sudan, and I ask our State Department to continue to shine a spotlight on this kind of human rights violation. In addition, I call upon our allies and friends in the world community to intervene with the government of Sudan to stop these human rights abuses.

In particular, I challenge the governments of Canada and France, whose companies are helping to develop Sudan's oil reserves, to speak up boldly in defense of religious freedom and against these unjustified actions by the government of Sudan. Concrete actions by these governments to denounce these human rights violations may make the difference between freedom and oppression for these people, and possibly between life and death. The United States and the entire international community must not stand by in the face of persecution.

HATE CRIMES

SPEECH OF

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 13, 1999

Ms. DELAURO. Mr. Speaker, I'm proud to rise this evening to join my colleagues in calling on the Republican Leadership to bring hate crimes legislation to the floor of this House.

For too long, this House has failed to act in the face of the growing list of victims who have fallen to the culture of hatred that seems to be on the rise in this country. We have seen synagogues burned to the ground. We have seen James Byrd dragged to his death down a dusty road in Texas. And one year ago yesterday, we lost Matthew Shepard after he was beaten and left for dead on a cold night in Laramie, WY. And there have been too many stories, some that the Nation has not yet heard, of young men and women visited by untimely and violent deaths.

In Texas City, TX, Laaron Morris and Kevin Tryals were shot to death, one of their bodies left in a burning car, simply because they were gay.

In Ft. Lauderdale, CA, Jody-Gaye Bailey was shot in the head by a self-proclaimed skinhead. Minutes before the shooting, her assailant ranted about his desire to kill her just because she was black.

In Sylacauga, AL, Billy Jack Gaither was beaten to death with an ax handle, his body set afire on a pile of burning tires, because he was gay.

In Kenosha, WI, two African-American teens were intentionally run down while walking on the sidewalk. Eight years earlier, their assailant had deliberately rammed a van carrying five African-American men.

In northern California, three synagogues were burned to the ground by two brothers who are also suspected of gunning down two gay men in Redding, CA.

Even as violent crime continues to decline in America, the awful list of hate crime victims continues to grow. According to the FBI, there were nearly 8,000 hate crimes committed in 1995 alone. From attacks on synagogues in northern California early this summer to the tear gassing of a gay pride parade in San Diego this past August, we have seen assault after assault on individuals because of their religion, their race, or their sexual orientation.

We are all appalled by these violent, hateful crimes. But how many more of our citizens have to fall to the epidemic of hate crime in this country before this House is compelled to act? We passed resolutions condemning hatred and racism. We came to the floor of this House and sent out thoughts and prayers to the families of the victims. We spoke of the loss of values in America. But a Nation's values must also be reflected in its laws. We should not just speak of our outrage. We should pass this legislation and help put a stop to acts of hatred.

Currently, the law only allows the prosecution of a hate crime if it is committed while the victim is exercising a federally protected right, such as voting or attending school. This law was written to address the challenge of segregationists attempting to prevent minorities from voting or going to school, it does not meet the challenge of today's hate groups that seek to terrorize entire communities with their violent acts. By passing the Hate Crimes Prevention Act, we empower federal prosecutors to assist local law enforcement in finding and punishing those who commit hate crimes based on a person's race, religion, gender, or sexual orientation.

Hate crimes are not just assaults on individual victims, they are an assault on entire communities. The murder of one gay man is about attacking the entire gay community. Burning down a synagogue is about striking fear into the hearts of Jews everywhere. Let's call hate crimes what they really are—terrorism. When the supporters of hatred and division turn their thoughts into hateful acts, they need to know that we will come after them with full force of law and that they will pay for their crimes.

I want to thank my colleagues who came to the floor this evening to keep this issue on the national agenda. We will continue to fight for passage of the Hate Crimes Prevention Act and we will not stop until it is the law of the land. Let us do this in memory of the victims of hate crimes. And let's do it to ensure that we are not here this time next year, remembering the life of Matthew Shepard and mourning the loss of another 8,000 victims of hate crimes.

SENATE SHOULD PASS RELIGIOUS LIBERTY PROTECTION ACT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. TOWNS. Mr. Speaker, recently, this House passed H.R. 1691, the Religious Liberty Protection Act. The bill is currently in committee in the Senate and I would like to take this opportunity to urge our colleagues in the other house to pass this bill as soon as possible.

America is a secular democracy, a country where the religious rights of every citizen are protected by the Constitution. In many other countries, including some that call themselves secular and democratic, people do not enjoy these freedoms. We must do whatever we can to protect religious freedom for every American.

The Sikh religion requires Sikhs to have five symbols known as the ''five Ks.'' The five Ks are unshorn hair (Kes), a comb (Kanga), a bracelet (Kara), a kind of shorts (Kachha), and a ceremonial sword (Kirpan). These are required by the religion.

In a recent incident in Mentor, Ohio, outside Cleveland, a 69-year-old Sikh named Gurbachan Singh Bhatia was involved in a minor traffic accident. When the police arrived at the scene, a policeman saw Mr. Bhatia's kirpan (ceremonial sword). He was arrested for carrying a concealed weapon. The case is scheduled to be heard in December. In a case in Cincinnati involving similar circumstances, the judge, the Honorable Mark Painter wrote, ''To be a Sikh is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon.''

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has been working to get the Religious Liberty Protection Act to protect the rights of Mr. Bhatia and all religious people of all faiths in America. No person should be harassed for his religious faith. He has written to Senator HATCH, who chairs the Judiciary Committee over there, and all members of the committee in support of this bill.

I call on the local authorities in Mentor to drop all charges against Mr. Bhatia and I also call on my colleagues over in the Senate to pass H.R. 1691, the Religious Liberty Protection Act.

I submit Dr. Aulakh's letter to Senator HATCH into the RECORD for the information of my colleagues.

COUNCIL OF KHALISTAN,
Washington, DC, October 7, 1999.

Hon. ORRIN HATCH,
Chairman, Senate Judiciary Committee,
Washington, DC.

SUBJECT: REQUEST TO EXPEDITE PASSAGE OF H.R. 1691 TO PROTECT RELIGIOUS FREEDOM

DEAR SENATOR HATCH: On behalf of over 500,000 Sikhs, I am writing to you in support of H.R. 1691, the Religious Liberty Protection Act.

The Council of Khalistan represents the interests of the Sikh Nation in this country and worldwide. It was constituted by the Panthic Committee to represent the Sikh struggle for freedom. We have worked for the last 12 years in pursuit of this objective.

It is vitally important that the Religious Liberty Protection Act be reported out of committee and passed as soon as possible.

Charan Singh Kalsi of New Jersey was fired by the New York Transit Authority. The Transit Authority tried to force him to wear a hard hat instead of his turban, which he is required to wear as a symbol of his Sikh religion.

When a Sikh is baptized, he or she is required to have five symbols called the five Ks. They are unshorn hair (Kes), a comb (Kanga), a bracelet (Kara), a kind of shorts (Kachha), and a ceremonial sword (Kirpan). These are required by the religion.

Recently in Mentor, Ohio, Gurbachan Singh Bhatia, a 69-year-old Sikh, was involved in a minor traffic accident. The police were called to the scene of the accident. When the policeman saw Mr. Bhatia's kirpan (ceremonial sword), he was arrested for carrying a concealed weapon. He is currently scheduled to go to trial in December. In a similar case in Cincinnati, Judge Mark Painter wrote, ''To be a Sikh is to wear a kirpan—it is that simple. It is a religious symbol and in no way a weapon.''

Mr. Bhatia and Mr. Kalsi are exercising their freedom of religion. The U.S. Constitution guarantees religious freedom to everyone. The Religious Liberty Protection Act will protect individuals like Gurbachan Singh Bhatia and Charan Singh Kalsi from being prosecuted and denied jobs for exercising their religious freedom. That is why this bill is so important.

On behalf of the Sikhs in America, I urge you to report the Religious Liberty Protection Act out so that it can be passed and become law as soon as possible.

Sincerely,

DR. GURMIT SINGH AULAKH,
President, Council of Khalistan.

HONORING JUDGE MYRON DONOVAN CROCKER

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Judge Myron Donovan Crocker for his outstanding contributions to the community.

As long as there has been an Eastern District of California, there has been a Judge Myron Donovan Crocker. Judge Crocker was born in Pasadena on September 4, 1915 and was raised in Fresno. He attended Fresno schools and graduated from Fresno High School in 1933 and Fresno State College in 1937. He received his law degree from the University of California, Boalt Hall, in May of 1940. His first job was with the FBI in New York, first in Albany and then in New York City during World War II handling counter-espionage matters. Judge Crocker and his wife Elaine were married in New York while he was stationed there.

After the war ended, the FBI granted Crocker's request for a transfer closer to home and he was assigned to Los Angeles. In 1946, he entered private practice in Chowchilla and worked as Deputy District Attorney for Madera County. In 1951, he became Judge of the Chowchilla Justice Court, while continuing his private practice. He was appointed Superior Court Judge of Madera County in 1958, and remained there for only 1 year before his appointment to the Federal Bench.

Upon Judge Crocker's appointment to the Federal Bench on September 21, 1959, he spent most of his time in Los Angeles and San Diego. At that time, the Federal court in Fresno was part of the Southern District of California. With redistricting in September, 1966, Judge Crocker became the Chief Judge of the Eastern District of California, and was the sole Federal judge in the Fresno district. His duties as Chief Judge included overseeing the completion of the Federal Courthouse in Fresno. Judge Crocker stepped down as Chief Judge in June 1967.

Although the caseload in Fresno grew quickly after redistricting, Judge Crocker still traveled frequently to sit on cases throughout the United States, including being in Washington, D.C. in 1968 when Martin Luther King Jr. was assassinated. Judge Crocker remained the sole Federal judge in Fresno until 1979, when an additional judgeship was approved and Judge Edward D. Price was appointed. In 1981, Judge Crocker took Senior status and Judge Robert E. Coyle was appointed in his place. As a senior judge, Judge Crocker has continued to take cases and has made himself available for high profile cases outside his district.

Judge Crocker is held in highest esteem by his peers, staff and the legal community for his legal ability, demeanor, kindness, and fairness. As a colleague stated, ''He is held in universal affectionate esteem.''

Mr. Speaker, I rise to honor Judge Myron Donovan Crocker for his service to Fresno and the Eastern District of California on his 40th anniversary of service. I urge my colleagues to join me in wishing Judge Crocker many more years of continued success and happiness.

RECOGNIZING MARPLE NEWTOWN CARING COALITION

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. WELDON of Pennsylvania. Mr. Speaker, it is my distinct honor to stand before you today to recognize the tireless and exemplary efforts of the Marple Newtown Caring Coalition. This organization brings together schools and the community as partners in order to work side-by-side for substance abuse prevention education.

During the week of October 23–27, the Marple Newtown Caring Coalition alongside numerous schools and community programs across the country will be participating in Red Ribbon Week. The goal behind Red Ribbon Week is to educate students of all ages from kindergarten through high school on the grave dangers of drug and alcohol abuse. The Red Ribbon Campaign first originated in 1985 after the tragic death of Special Agent Enrique Camarna of the U.S. Drug Enforcement Administration in the battle against drugs. Red Ribbons are worn by school students as a symbol of intolerance against drug use and a commitment to a drug-free lifestyle.

On October 25th, Marple Newtown Caring Coalition will proudly host the Red Ribbon Week Celebration in my Congressional District. The presentation will bring representatives from over 10 elementary and high schools together to promote substance abuse prevention. This gathering of students of all

ages and different schools works to facilitate a bond between students and adults to achieve better communications for safe schools and communities.

I applaud Marple Newtown Caring Coalition's endeavors to educate the entire community on the necessity of drug prevention education not only for the future of our community, but also for the future of our children. The Coalition stands behind a proactive approach by bringing parents, teachers, students, law enforcement officers and community leaders together to strive toward a healthy, drug-free atmosphere in our communities.

Mr. Speaker, I feel it is imperative we support and encourage students and adults working together to end the destruction of drug abuse and move towards a reality dominated by drug-free and alcohol-free students. I would like to ask my colleagues to support their local Red Ribbon weeks at schools within their districts. With organizations like the Marple Newtown Caring Coalition and our local schools around the nation, we can strike a serious blow in the fight against drugs.

ANNIVERSARY OF THE DEATH OF MATTHEW SHEPARD

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Ms. MCKINNEY. Mr. Speaker, the tragic death of Matthew Shepard should have marked a turning point * * * but tragically it didn't.

The hatred and the violence against gays and lesbians still exits today. These days it seems that anyone, whether they're gay or merely perceived to be, runs the risk of becoming the victim of a hate crime. That is why we must expand federal hate crime laws to include offenses based on sexual orientation.

Nationwide, scores of beatings and bashings of gays and lesbians have occurred, regularly reported by the gay press, but often ignored by the mass media.

Some of you probably haven't heard of a California gay couple who was murdered in their home this summer or the shooting of a gay man in Michigan earlier this year.

In a recent speech, Matthew's mom, Judy Shepard said: ''For all who ask what they can do for Matthew and other victims, my answer is to educate and bring understanding where you see hate and ignorance, bring light where you see darkness, bring freedom where there is fear and begin to heal.''

That is the message we should take to heart on this anniversary of Matthew Shepard's murder.

TRIBUTE TO THE ARC-SOUTH BAY

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. KUYKENDALL. Mr. Speaker, I rise today to recognize a very special organization in my district, The ARC-South Bay. For forty years, the staff and volunteers of The ARC-South Bay have provided an invaluable service to the developmentally disabled.

The Southwest Association for Retarded Children (SWARC), now known as The ARC-South Bay, was founded on November 3, 1959. One of the organization's original purposes was to provide a wide variety of recreational and social programs for mentally retarded youngsters and adults in the South Bay area.

The mission of The ARC-South Bay has continued to broaden throughout the years. The organization now provides support to the families of individuals with mental retardation. They also set out to facilitate equal access to society for individuals with mental retardation.

The ARC-South Bay is a pioneer organization within the developmentally disabled community. They strive to enhance opportunities for growth and independence.

I commend the staff and volunteers of The ARC-South Bay for their efforts in improving the quality of life for individuals with mental retardation. Congratulations on this milestone, and I wish you continued success. The South Bay is grateful for your services.

PERSONAL EXPLANATION

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PASCRELL. Mr. Speaker, as is reflected in the CONGRESSIONAL RECORD, I was granted an official leave of absence for Tuesday, October 12, 1999.

Had I been present, I would have voted as follows:

Rollcall vote 493—H.R. 493 to Suspend the Rules and Pass, as Amended the Hillory J. Farias Date-Rape Prevention Drug Act—I would have voted ''yes''; rollcall vote 492—S. 800 to Suspend the Rules and Pass the Wireless Communications and Public Safety Act—I would have voted ''yes''; rollcall vote 491—H. Res. 303 on Motion to Suspend the Rules and agree, as Amended, Expressing the Sense of the House of Representatives urging that 95% of Federal education dollars be spent in the classroom—I would have voted ''yes.''

COMMENDING THE PENNSYLVANIA FAMILY INSTITUTE

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. PITTS. Mr. Speaker, I would like to take this time to commend the Pennsylvania Family Institute as it celebrates its Tenth Anniversary tonight. In those 10 years, the Institute has grown to be a strong and respected voice for the family in the Commonwealth of Pennsylvania. The spirit of principled involvement that the Pennsylvania Family Institute encourages and engenders in Pennsylvania is to be applauded. Congratulations to the directors, staff and supporters of the Pennsylvania Family Institute for their work in service to Pennsylvania's families.

During my service in the Pennsylvania General Assembly, I had many occasions to work closely with the Institute's president, Michael Geer, on issues of prime concern to Pennsylvania's families. From its very first days, the Pennsylvania Family Institute has taken effective stands in support of the sanctity of life, in defense of marriage, for academic excellence in our schools, and for the promotion of a more civil society. And its recent leadership against the expansion of gambling in Pennsylvania has helped protect many children and families from the addiction and devastation wrought by casino gambling.

Mr. Speaker, Dr. James Dobson, the guest of honor at tonight's Pennsylvania Family Institute 10th Anniversary Banquet, is an ideal man to speak, as Dr. Dobson has been a beacon of wisdom and insight for families around the world through his many books and his ministry at Focus on the Family. Here in Congress, I have had the opportunity to work with Dr. Dobson on a number of family issues. His energy, principle and dedication are nearly unmatched.

Today, I also want to join the Pennsylvania Family Institute in remembrance of a true hero, William Bentley Ball, Esquire. We all owe a debt of gratitude to Mr. Ball for his exemplary dedication to the principles of liberty, fidelity to the Constitution and the defense of human life. Mr. Ball stood tall in defense of religious liberty and the right of parents to direct the upbringing and education of their children in a time when both were under great attack.

Again, my deep congratulations and best wishes to the Pennsylvania Family Institute for a terrific 10 years. I look forward to working with them in the years to come.

EARTH SCIENCE WEEK—OCTOBER 10–16, 1999

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mrs. CUBIN. Mr. Speaker, very soon an extraordinary individual, earth scientist, and mentor of many who followed in his field, Dr. J. David Love, born and raised in my home state of Wyoming, will receive the ''Legendary Geologist Award'' from the American Geological Institute, a federation of 34 earth-science societies with a collective membership exceeding more than 100,000 persons.

Some of Dr. Love's accomplishments include creating the modern geologic map of my home state of Wyoming, and the geologic map of Grand Teton National Park. My home state of Wyoming is rich in geologic wonders, and the people of Wyoming have a great appreciation the importance these maps and their value with regard to identifying geologic treasures, providing for the prudent use of our natural resources, hazard mitigation, and the expansion of our economy.

With this in mind, I introduced legislation earlier this year that will reauthorize the National Geological Mapping Act (NGMA), which established a highly successful cooperative program between the U.S. Geological Survey and Geological Surveys of the 50 states and U.S. Territories. The maps produced under NGMA auspices provide society with information useful for the abatement of natural hazards such as floods, earthquakes, landslides and volcanic eruptions; the broad delineation of mineral potential, including groundwater resources, and candidate areas for waste burial

sites for land-use planning purposes, as well as a better understanding of ''how the Earth works.''

As such, I rise today to recognize the American Geological Institute's adoption of October 10th through October 16th, 1999, as ''Earth Science Week.'' Earth Science Week was initiated last year by the American Geological Institute as a way to educate society about the Earth, the earth sciences, and the importance of earth scientists' work in solving the challenges we face with providing for the prudent management of our resources.

This week, an Earth Science Week activity is taking place in schools in every state, and to date, 25 states have made official Earth Science Week proclamations, including my home state of Wyoming.

Therefore, let it be known that:

Geology and the other earth sciences are fundamental to the safety, health, and welfare of the United States economy and its citizens.

The earth sciences are integral to finding, developing, and on serving mineral, energy and water resources needed for the Nation's continuing prosperity.

The earth sciences provide the basis for preparing for and mitigating natural hazards such as earthquakes, floods, and landslides.

The earth sciences are crucial to environmental and ecological issues ranging from water and air quality to waste disposal.

The earth sciences contribute directly to our understanding and appreciation of Nature.

Geological factors of resources, hazards, and environment are vital to land management and land use decisions.

Mr. Speaker, our ever-changing world challenges us to wisely manage the earth and its resources. During this week, let us pay tribute to the important role that earth science plays in the economic success, safety, and welfare of this Nation.

TAIWAN'S NATIONAL DAY

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. WALDEN. Mr. Speaker, the September 21 earthquake that devastated Taiwan was a horror story. More than 2,000 people lost their lives, over 100,000 people were left homeless, and Taiwan's financial loss was in the billions of dollars. But the world reached out to Taiwan, delivering help quickly to this valuable member of the global community. The spontaneous outpouring of assistance to Taiwan and the earthquake's victims continuous today. Taiwan's government has been doing all that it can to help the victims of the earthquake, providing them financial and other forms of assistance to help them rebuild their lives, homes and businesses.

Despite the devastation of the earthquake, Taiwan has once again demonstrated to the world that it appreciates foreign assistance and has pledged to repay the international community whenever they can. Taiwan's comprehensive effort to help its people is a sound example of how a democracy keeps its citizens' welfare at heart.

Notwithstanding the earthquake. Taiwan has every good reason to be proud on its National Day. Taiwan appreciates its generous friends from other countries and its government and people are unified in their goal of rebuilding a modern Taiwan after the earthquake.

TRIBUTE TO FALLEN OFFFICERS IN TEXAS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. RODRIGUEZ. Mr. Speaker, this past Tuesday will be remembered as one of the darkest in the history of the town of Pleasanton in Atascosa County. TX. Three brave officers of the law fell in the line of duty. Two others received wounds. I rise to pay tribute to these men and their families for enduring the ultimate sacrifice. It is appropriate for all of us in this House to pause and reflect on this terrible tragedy.

While news reports are still coming in, the story appears to unfold as follows. Late Tuesday night, officers from the Atascosa County Sheriff's Department, the Pleasanton Police Department, and the Texas Department of Public Safety responded to what turned out to be a bogus call alleging a domestic dispute near Pleasanton, a small and close-knit community south of San Antonio. Two Atascosa Sheriff's deputies, first Thomas Monse, then mark Stephenson, arrived at the scene, only to meet a storm of high-powered gun fire from an assailant who made the phony call. The shooter, who had been out of jail only a few hours on a domestic abuse arrest, allegedly then took the deputies' own guns and executed them. These officers never had a chance.

Next to arrive on the scene was Texas state trooper Terry Miller, sent in to find out why the first two did not respond to calls from the dispatcher. He got there almost twenty minutes after Officer Stephenson and had just enough time to radio in the shooting of the first two deputies. But he too was shot and killed in the ambush.

When dozens of officers responded to Trooper Miller's call, the assailant, still hiding in some nearby underbrush, shot two more officers before he was surrounded. He then apparently took his own life as the two wounded officers were flown by helicopter for treatment in San Antonio.

This tragic event, during which over 100 rounds of ammunition were fired, leaves us in great sadness, with more questions than we can answer. We cannot bring back Officers Miller, Monse, and Stephenson, who bravely gave their lives to ensure that others would be safe. But we can honor their memory and convey our deep condolences to the love ones they left behind.

Officer Miller, the first Texas trooper killed since 1994 and the 74th trooper killed in the line of duty, leaves behind a wife and two children, ages 13 and 22 months. Officer Monse, a former Bexar County deputy, leaves behind a wife and four children. Officer Stephenson, who also served our nation in the military for seven years, leaves behind a wife and three children.

To the two wounded men, Atascosa County deputy Carl Fisher and Pleasanton police officer Luis Tudyk, we wish the best in a speedy recovery.

This unfortunate incident sends a reminder to us all of the dedication of law enforcement officers who each day leave the security of their homes and families to serve those in need all across America. Their sacrifice keeps us free.

KHALISTAN LEADER DR. AULAKH TO BE NOMINATED FOR NOBEL PRIZE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 14, 1999

Mr. DOOLITTLE. Mr. Speaker, at the recent convention of the Council of Khalistan, held October 9 and 10 in New York, the delegates passed a resolution to nominate Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, for the Nobel Peace Prize. I believe that he would be an excellent candidate.

Dr. Aulakh's organization leads the struggle to liberate Khalistan, the Sikh homeland, from Indian occupation. It is committed to peaceful action to achieve that goal. While the Indian government continues to murder, kidnap, and torture Sikhs, Dr. Aulakh has been a clear and strong voice for freedom.

Dr. Aulakh would be an excellent recipient of the Nobel Peace Prize. I urge the Nobel Prize committee to act favorably on his impending nomination.

Mr. Speaker, I will place the Council of Khalistan's resolution nominating Dr. Aulakh for the Nobel Prize into the RECORD.

RESOLUTION RECOMMENDING DR. GURMIT SINGH AULAKH FOR THE NOBEL PEACE PRIZE

PASSED AT THE CONVENTION OF THE COUNCIL OF KHALISTAN OCTOBER 9–10, 1999, RICHMOND HILL, N.Y.

Whereas Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has worked tirelessly to liberate the Sikh homeland, Khalistan;

Whereas Dr. Aulakh is committed to promoting a Shantmai Morcha, or peaceful agitation, to liberate Khalistan, as well as free and fair plebiscite;

Whereas Dr. Aulakh and the Council of Khalistan have consistently rejected militancy as a means of liberating Khalistan;

Whereas Dr. Aulakh's efforts have helped to expose Indian genocide against the Sikhs, Christians, Muslims, Dalits, and others; and

Whereas he has worked with the U.S. Congress, the American media, the United Nations, and the Unrepresented Nations and Peoples Organization to promote the peaceful, democratic, nonviolent movement for Sikh freedom;

Therefore be it Resolved by the delegates of this convention to the Council of Khalistan:

That we recommend Dr. Gurmit Singh Aulakh for the Nobel Peace Prize; and

That his name should be submitted to the Nobel Prize Committee at the first opportunity.

Daily Digest

HIGHLIGHTS

Senate agreed to the conference report on Department of Defense Appropriations.

Senate

Chamber Action

Routine Proceedings, pages S12565–S12654

Measures Introduced: Ten bills and two resolutions were introduced, as follows: S. 1725–1734, S. Res. 203, and S. Con. Res. 59. **Pages S12633–34**

Measures Reported: Reports were made as follows:

S. 710, to authorize the feasibility study on the preservation of certain Civil War battlefields along the Vicksburg Campaign Trail, with amendments. (S. Rept. No. 106–184)

S. 905, to establish the Lackawanna Valley American Heritage Area, with amendments. (S. Rept. No. 106–185)

S. 1117, to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, with amendments. (S. Rept. No. 106–186)

S. 1324, to expand the boundaries of the Gettysburg National Military Park to include Wills House. (S. Rept. No. 106–187)

H.R. 2454, to assure the long-term conservation of mid-continent light geese and the biological diversity of the ecosystem upon which many North American migratory birds depend, by directing the Secretary of the Interior to implement rules to reduce the overabundant population of mid-continent light geese, with amendments. (S. Rept. No. 106–188)

S. 835, to encourage the restoration of estuary habitat through more efficient project financing and enhanced coordination of Federal and non-Federal restoration programs, with an amendment. (S. Rept. No. 106–189)

S. 1730, to amend the Federal Water Pollution Control Act to provide that certain environmental reports shall continue to be required to be submitted. (S. Rept. No. 106–190)

S. 1731, to amend the Clean Air Act to provide that certain environmental reports shall continue to be required to be submitted. (S. Rept. No. 106–191)

S. 225, to provide housing assistance to Native Hawaiians, with an amendment in the nature of a substitute. (S. Rept. No. 106–192) **Page S12633**

Measures Passed:

Pennsylvania Battlefields Authorization: Committee on Energy and Natural Resources was discharged from further consideration of H.R. 659, to authorize appropriations for the protection of Paoli and Brandywine Battlefields in Pennsylvania, to authorize the Valley Forge Museum of the American Revolution at Valley Forge National Historical Park, and the bill was then passed, after agreeing to the following amendment proposed thereto:

Pages S12649–50

Santorum (for Murkowski) Amendment No. 2295, in the nature of a substitute. **Pages S12649–50**

Fallen Timbers Battlefield and Fort Miamis National Historical Site Act: Senate passed S. 548, to establish the Fallen Timbers Battlefield and Fort Miamis National Historical Site in the State of Ohio, after agreeing to the committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S12650–52**

Santorum (for DeWine) Amendment No. 2296, to provide that the Metropolitan Park District of the Toledo Area shall act as the management entity.

Pages S12651–52

Hawaii Volcanoes National Park Adjustment Act: Senate passed S. 938, to eliminate restrictions on the acquisition of certain land contiguous to Hawaii Volcanoes National Park, after agreeing to the following amendment proposed thereto: **Page S12652**

Santorum (for Akaka) Amendment No. 2297, to provide for certain corrections in designations of Hawaiian National Parks. **Page S12652**

Miami Circle in Biscayne National Park: Senate passed S. 762, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of the Biscayne National Park, after agreeing to the committee amendment in the nature of a substitute. **Pages S12652–53**

Senate Employee Representation: Senate agreed to S. Res. 203, to authorize document production, testimony, and representation of Senate employees, in a matter before the Grand Jury in the Western District of Pennsylvania. **Page S12653**

Federal Motor Carrier Functions: Senate passed H.R. 3036, to provide for interim continuation of administration of motor carrier functions by the Federal Highway Administration, clearing the measure for the President. **Page S12653**

Quality Care for the Uninsured Act: Senate passed H.R. 2990, to amend the Internal Revenue Code of 1986 to allow individuals greater access to health insurance through a health care tax deduction, a long-term care deduction, and other health-related tax incentives, to amend the Employee Retirement Income Security Act of 1974 to provide access to and choice in health care through association health plans, to amend the Public Health Service Act to create new pooling opportunities for small employers to obtain greater access to health coverage through HealthMarts, after striking all after the enacting clause and inserting in lieu thereof the text of S. 1344, Senate companion measure, as passed by the Senate on July 15, 1999. Senate insisted on its amendment and requested a conference with the House thereon. **Page S12654**

Campaign Finance Reform: Senate continued consideration of S. 1593, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, taking action on the following amendments proposed thereto: **Pages S12575–S12620**

Adopted:

McConnell Amendment No. 2293, to require Senators to report credible information of corruption to the Select Committee on Ethics and amend title 18, United States Code, to provide for mandatory minimum bribery penalties for public officials. **Pages S12584–94**

By 77 yeas to 20 nays (Vote No. 327), McCain Amendment No. 2294, to provide disclosure requirements for certain money expenditures of political parties and to promote expedited availability of Federal Election Campaign reports. **Pages S12607–20**

Senate will continue consideration of the bill on Friday, October 15, 1999.

Department of Defense—Conference Report: By 87 yeas to 11 nays (Vote No. 326), Senate agreed to the conference report on H.R. 2561, making appropriations for the Department of Defense for the fiscal year ending September 30, 2000, clearing the measure for the President. **Pages S12565–75, S12610**

VA–HUD Appropriations—Conference Report: Senate began consideration of H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000. **Pages S12620–25**

A unanimous-consent agreement was reached providing for further consideration of the conference report on Friday, October 15, 1999, with a vote to occur thereon at 9:15 a.m. **Page S12654**

Nominations Received: Senate received the following nominations:

Charles L. Kolbe, of Iowa, to be a Member of the Internal Revenue Service Oversight Board for a term of three years. **Page S12654**

Messages From the House: **Page S12632**

Measures Referred: **Page S12632**

Enrolled Bills Presented: **Page S12632**

Measures Placed on Calendar: **Page S12632**

Communications: **Pages S12632–33**

Petitions: **Page S12634**

Executive Reports of Committees: **Page S12634**

Statements on Introduced Bills: **Pages S12634–45**

Additional Cosponsors: **Pages S12645–46**

Amendments Submitted: **Pages S12647–48**

Authority for Committees: **Pages S12648–49**

Record Votes: Two record votes were taken today. (Total—327) **Pages S12610, S12620**

Adjournment: Senate convened at 9:30 a.m., and adjourned at 7:43 p.m., until 9:15 a.m., on Friday, October 15, 1999. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S12654.)

Committee Meetings

(Committees not listed did not meet)

FARM RISK MANAGEMENT/CROP INSURANCE

Committee on Agriculture, Nutrition, and Forestry: Committee concluded hearings on S. 1666, to provide risk education assistance to agricultural producers, S. 1108, to amend the Federal Crop Insurance Act to improve crop insurance coverage and administration,

and S. 1580, to amend the Federal Crop Insurance Act to assist agricultural producers in managing risk, after receiving testimony from Senator Graham; Bruce L. Gardner, University of Maryland Department of Agricultural and Resource Economics, College Park; and Craig Hill, Iowa Farm Bureau Federation, Indianola, on behalf of the American Farm Bureau Federation.

OPERATION ALLIED FORCE

Committee on Armed Services: Committee concluded open and closed hearings on the lessons learned from the military operations conducted as part of Operation Allied Force, and associated relief operations, with respect to Kosovo, after receiving testimony from William S. Cohen, Secretary of Defense; and Gen. Henry H. Shelton, USA, Chairman, Joint Chiefs of Staff.

ALASKA LAND CONSERVATION/ALASKA NATIVE CLAIMS/U.S. TERRITORIES

Committee on Energy and Natural Resources: Committee concluded hearings on S. 1683, to make technical changes to the Alaska National Interest Lands Conservation Act, S. 1686, to provide for the conveyances of land interests to Chugach Alaska Corporation to fulfill the intent, purpose, and promise of the Alaska Native Claims Settlement Act, and S. 1702, to amend the Alaska Native Claims Settlement Act to allow shareholder common stock to be transferred to adopted Alaska Native children and their descendants, after receiving testimony from Donald J. Barry, Assistant Secretary for Fish and Wildlife and Parks, and Marilyn Heiman, Special Assistant to the Secretary to Alaska, both of the Department of the Interior; Ronald E. Stewart, Deputy Chief for Programs and Legislation, Forest Service, Department of Agriculture; Sheri Buretta, Chugach Alaska Corporation, Jack Hession, Sierra Club, Julie Kitka, Alaska Federation of Natives, Inc., and Peter Van Tuyn, Trustees for Alaska, all of Anchorage, Alaska; William P. Horn, Birch, Horton, Bittner, and Cherot, Washington, D.C., on behalf of the Alaska Professional Hunters Association; and Dune Lankard, Cordova, Alaska, on behalf of the Eyak Preservation Council.

Also, committee concluded hearings on H.R. 2841, to amend the Revised Organic Act of the Virgin Islands to provide for greater fiscal autonomy consistent with other United States jurisdictions, and H.R. 2368, to assist in the resettlement and relocation of the people of Bikini Atoll by amending the terms of the trust fund established during the United States administration of the Trust Territory of the Pacific Islands, after receiving testimony from Danny Aranza, Director, Office of Insular Affairs, Department of the Interior; Jonathan M. Weisgall, Washington, D.C., representing the People of Bikini; and Peter N. Hiebert, Winston and Strawn, Washington, D.C., and Margaret Guarino, First Union Securities, Inc., New York, New York, both on behalf of the Government of Virgin Islands.

PUBLIC LAND MANAGEMENT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 610, to direct the Secretary of the Interior to convey certain land under the jurisdiction of the Bureau of Land Management in Washakie County and Big Horn County, Wyoming, to the Westside Irrigation District, Wyoming, S. 1218, to direct the Secretary of the Interior to issue to the Landusky School District, without consideration, a patent for the surface and mineral estates of certain lots, S. 408, to direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the City of Carson City, Nevada, for use as a senior center, S. 1629, to provide for the exchange of certain land in the State of Oregon, S. 1599, to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Black Hills National Forest and to use funds derived from the sale or exchange to acquire replacement sites and to acquire or construct administrative improvements in connection with Black Hills National Forest, and S. 1343, to direct the Secretary of Agriculture to convey certain National Forest land to Elko County, Nevada, for continued use as a cemetery, after receiving testimony from Senator Reid; Sandra H. Key, Associate Deputy Chief for Programs and Legislation, Forest Service, Department of Agriculture; Carson Culp, Assistant Director for Minerals, Realty and Resource Protection, Bureau of Land Management, Department of the Interior; and King Williams, King, Inc., Canyon City, Oregon, on behalf of the Clearwater Land Exchange of Oregon.

AUTHORIZATION—CLEAN AIR ACT

Committee on Environment and Public Works: Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety held hearings on proposed legislation authorizing funds for programs of the Clean Air Act, focusing on air and radiation, risk, cost/benefit, and exposure issues, Maximum Achievable Control Technology (MACT) process, acid rain program, and the effect of multiple regulations directed at the same pollutants, receiving testimony from Robert Perciasepe, Assistant Administrator, Office of Air and Radiation, Environmental Protection Agency; John D. Graham, Harvard School of Public Health, Boston, Massachusetts; Richard L. Revesz, New York University School of Law, New York, New York; Alison Kerester, University of Texas

School of Public Health/Mickey Leland National Urban Air Toxic Research Center, Houston; Michel R. Benoit, Cement Kiln Recycling Coalition, Washington, D.C.; Bernard C. Melewski, Adirondack Council, Albany, New York; and William F. Tyndall, Cinergy Corporation, Cincinnati, Ohio, on behalf of the Edison Electric Institute.

Hearings recessed subject to call.

PAKISTAN POLITICAL CRISIS

Committee on Foreign Relations: Subcommittee on Near Eastern and South Asian Affairs held hearings on issues related to the political crisis in Pakistan and how the United States can promote its restoration of democracy, receiving testimony from Karl F. Inderfurth, Assistant Secretary of State for South Asian Affairs.

Hearings recessed subject to call.

DIABETES RESEARCH

Committee on Governmental Affairs: Permanent Subcommittee on Investigations concluded hearings to examine the impact of diabetes on society and government investment in diabetes research, focusing on scientific opportunities available in diabetes research, treatment, prevention, and funding levels for diabetes research, after receiving testimony from Phillip Gorden, Director, National Institute of Diabetes and Digestive and Kidney Diseases, National Institute of Health, Department of Health and Human Services; C. Ronald Kahn, Joslin Diabetes Center, Boston, Massachusetts; Edward H. Leiter, The Jackson Laboratory, Bar Harbor, Maine; Jeffrey A. Bluestone, Ben May Institute for Cancer Research, University of Chicago, Chicago, Illinois; Ryan Dinkgrave, Livonia, Michigan, on behalf of the Juvenile Diabetes Foundation International; Pam Fernandes, Needham, Massachusetts; Gordon Jump, Coto de Caza, California; and William H. Fuller, Jr., Virginia Beach, Virginia.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the nominations of Ronald A. Guzman, to be United States District Judge for the Northern District of Illinois, William Joseph Haynes, Jr., to be United States District Judge for the Middle District of Tennessee, and Barbara M. Lynn, to be United States District Judge for the Northern District of Texas.

Also, committee approved a committee resolution on the issuance of subpoenas pursuant to Rule 26, as amended.

House of Representatives

Chamber Action

Bills Introduced: 17 public bills, H.R. 3072–3088; and 3 resolutions, H. Con. Res. 198 and H. Res. 331–332, were introduced. **Pages H10119–20**

Reports Filed: Reports were filed today as follows:

H.R. 2886, to amend the Immigration and Nationality Act to provide that an adopted alien who is less than 18 years of age may be considered a child under such Act if adopted with or after a sibling who is a child under such Act (H. Rept. 106–383);

H.R. 486, to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, amended (H. Rept. 106–384); and

H.R. 1987, to allow the recovery of attorneys' fees and costs by certain employers and labor organizations who are prevailing parties in proceedings brought against them by the National Labor Relations Board or by the Occupational Safety and Health Administration, amended (H. Rept. 106–385). **Page H10119**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Pease to act as Speaker pro tempore for today. **Page H10035**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Dr. Charles Wright of Washington, D.C. **Page H10035**

Veterans Affairs, HUD, and Independent Agencies Appropriations: The House agreed to the conference report on H.R. 2684, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2000, by a yea and nay vote of 406 yeas to 18 nays, Roll No. 500. **Pages H10042–60**

H. Res. 328, the rule that waived points of order against the conference report was agreed to by voice vote. Pursuant to the rule, H. Res. 300, waiving a requirement of clause 6(a) of rule XIII with respect

to consideration of certain resolutions reported from the Committee on Rules was laid on the table.

Pages H10039–42

Motor Carrier Safety Act: The House agreed to H.R. 2679, to amend title 49, United States Code, to establish the National Motor Carrier Administration in the Department of Transportation, to improve the safety of commercial motor vehicle operators and carriers, to strengthen commercial driver's licenses by yea and nay vote of 415 yeas to 5 nays, Roll No. 501. Agreed to amend the title.

Pages H10062–78

Agreed to:

The Shuster amendment that modifies various provisions including penalties for violation of safety laws, registration of motor vehicles operating in interstate commerce or outside the commercial zone along the United States-Mexico border, and a study related to positive drug tests; **Pages H10072–74**

The Baldacci amendment that changes the name of the agency established by the act to the National Motor Carrier Safety Administration by adding ''Safety''; **Pages H10074–75**

The Jackson-Lee of Texas amendment that includes the finding that the use of recording devices in commercial motor vehicles may prove useful to law enforcement officials investigating highway crashes; and **Pages H10075–76**

The Menendez amendment that requires the Department of Transportation to conduct a study to determine the causes of crashes in the State of New Jersey that involve passenger vans. **Pages H10076–77**

Withdrawn:

The Gonzalez amendment was offered, but subsequently withdrawn, that sought to establish a toll-free safety violation telephone hotline. **Page H10077**

H. Res. 329, the rule that provided for consideration of the bill was agreed to by voice vote. Pursuant to the rule, the amendment printed in Part A of H. Rept. 106–381 that makes technical and clarifying changes was considered as adopted.

Pages H10060–62

Motion to Instruct—Juvenile Justice Reform Act: Rejected the Jackson-Lee of Texas motion to instruct conferees on H.R. 1501, to provide grants to ensure increased accountability for juvenile offenders, to insist that (1) the committee of conference should immediately have its first substantive meeting to offer amendments and motions, including gun safety amendments and motions, and (2) the committee of conference report a conference substitute by October 20, the six month anniversary of the tragedy at Columbine High School in Littleton, Colorado, and with sufficient opportunity for both the House and the Senate to consider gun safety legislation prior to adjournment, by a yea and nay vote of 174 yeas to 249 nays, Roll No. 502. **Pages H10078–83**

District of Columbia Appropriations: The House passed H.R. 3064, making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2000 by a yea and nay vote of 211 yeas to 205 nays, Roll No. 504. **Pages H10090–H10112**

H. Res. 330, the rule that provided for consideration of the bill was agreed to by a yea and nay vote of 217 yeas to 202 nays, Roll No. 503.

Pages H10083–90

Aviation Investment and Reform Act for the 21st Century: The House disagreed to the Senate amendment on H.R. 1000, to amend title 49, United States Code, to reauthorize programs of the Federal Aviation Administration, and agreed to a conference. **Page H10112**

Appointed as conferees: Chairman Shuster and Representatives Young of Alaska, Petri, Duncan, Ewing, Horn, Quinn, Ehlers, Bass, Pease, Sweeney, Oberstar, Rahall, Lipinski, DeFazio, Costello, Danner, E. B. Johnson of Texas, Millender-McDonald, and Boswell. **Page H10112**

Conferees from the Committee on the Budget, for consideration of title IX and title X of the House bill, and modifications committed to conference: Representatives Chambliss, Shays, and Spratt;

Page H10112

Conferees from the Committee on Ways and Means, for consideration of title XI of the House bill, and modifications committed to conference: Chairman Archer and Representatives Crane, and Rangel; and **Page H10112**

Conferees from the Committee on Science, for consideration of title XIII of the Senate amendment, and modifications committed to conference: Chairman Sensenbrenner and Representatives Morella, and Hall of Texas. **Page H10112**

Late Report: Conferees received permission to have until midnight on Oct. 15 to file a conference report on H.R. 2466, making appropriations for the Department of Interior and related agencies for the fiscal year ending September 30, 2000. **Page H10112**

Commerce, Justice, and State, the Judiciary Appropriations—Motion to Instruct: Representative Coburn notified the House of his intention to offer a motion to instruct conferees on H.R. 2670, making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30,

2000, to agree to provisions that—(1) reduce non-essential spending in programs within the Departments of Commerce, Justice, and State, the Judiciary, and other related agencies; (2) reduce spending on international organizations, in particular, in order to honor the commitment of the Congress to protect Social Security; and (3) do not increase overall spending to a level that exceeds the higher of the House bill or the Senate amendment. **Page H10112**

Legislative Program: The Majority Leader announced the legislative program for the week of October 18. **Pages H10112–13**

Meeting Hour—Monday, October 18: Agreed that when the House adjourn today, it adjourn to meet at 12:30 p.m. for morning-hour debates. **Page H10113**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of October 20. **Page H10113**

Senate Messages: Messages received from the Senate appear on pages H10035 and H10112.

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on page H10120.

Quorum Calls—Votes: Five yea and nay votes developed during the proceedings of the House today and appear on pages H10060, H10078, H10082–83, H10089–90, and H10111. There were no quorum calls.

Adjournment: The House met at 10:00 a.m. and adjourned at 6:57 p.m.

Committee Meetings

USDA CIVIL RIGHTS PROGRAMS AND RESPONSIBILITIES

Committee on Agriculture: Subcommittee on Department Operations Oversight, Nutrition, and Forestry held a hearing to review the USDA Civil Rights Programs and Responsibilities. Testimony was heard from Rosalind D. Gray, Director, Office of Civil Rights, USDA; and public witnesses.

OLYMPICS SITE SELECTION PROCESS—NEED FOR REFORM

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on the Olympics Site Selection Process: The Need for Reform. Testimony was heard from Bill Hybl, President, U.S. Olympic Committee; Francois Carrard, Director General, International Olympic Committee; Henry Kissinger, former Secretary of State; and public witnesses.

QUALITY OF GRANT PERFORMANCE—DEPARTMENT OF LABOR

Committee on Education and the Workforce: Subcommittee on Oversight and Investigations held a hearing on How the Quality of Grant Performance is Assessed at the U.S. Department of Labor. Testimony was heard from the following officials of the Department of Labor: Raymond J. Uhalde, Deputy Assistant Secretary, Employment and Training Administration; and Patricia A. Dalton, Deputy Inspector General; and a public witness.

NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy and Human Resources held a hearing on the National Youth Anti-Drug Media Campaign. Testimony was heard from Barry R. McCaffrey, Director, Office of National Drug Control Policy; and public witnesses.

INTERNATIONAL CHILD ABDUCTION

Committee on International Relations: Held a hearing on International Child Abduction: Implementation of the Hague Convention on Civil Aspects of International Child Abduction. Testimony was heard from Representative Forbes; Mark Ryan, Assistant Secretary, Bureau of Consular Affairs, Department of State; Richard Rossman, Chief of Staff, Criminal Division, Department of Justice; Jess Ford, Associate Director, National Security and International Affairs Division, GAO; and public witnesses.

MISCELLANEOUS MEASURES; U.S.-SOUTH AFRICA RELATIONS

Committee on International Relations: Subcommittee on Africa approved for full Committee action the following resolutions: H. Con. Res. 20, concerning economic, humanitarian, and other assistance to the northern part of Somalia; and H. Con. Res. 46, urging an end of the war between Eritrea and Ethiopia and calling on the United Nations Human Rights Commission and other human rights organizations to investigate human rights abuses in connection with the Eritrean and Ethiopian conflict.

The Subcommittee also held a hearing on United States-South Africa Relations: Present and Future. Testimony was heard from Susan E. Rice, Assistant Secretary, Bureau of African Affairs, Department of State; Judson Ray, Special Agent, Unit Chief, International Training and Assistance, FBI, Department of Justice; and a public witness.

OVERSIGHT—CIVIL RIGHTS DIVISION—CHARTER SCHOOLS

Committee on the Judiciary: Subcommittee on the Constitution held an oversight hearing on the Civil

Rights Division of the Department of Justice regarding Charter Schools. Testimony was heard from Anita Hodgkiss, Deputy Assistant Attorney General, Civil Rights Division, Department of Justice; and public witnesses.

GOING PUBLIC—END OF RAINBOW FOR SMALL BUSINESS?

Committee on Small Business: Subcommittee on Government Programs and Oversight held a hearing on Going Public—The End of the Rainbow for a Small Business? Testimony was heard from Brian J. Lane, Director, Division of Corporation Finance, SEC; and public witnesses.

AIR TRAFFIC CONTROL DELAYS INCREASE

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the Recent Increase in Air Traffic Control Delays. Testimony was heard from Jane F. Garvey, Administrator, FAA, Department of Transportation; and public witnesses.

TICKET TO WORK AND WORK INCENTIVES IMPROVEMENT ACT

Committee on Ways and Means: Ordered reported, as amended, H.R. 3070, Ticket to Work and Work Incentive Improvement Act of 1999.

Joint Meetings

FINANCIAL SERVICES MODERNIZATION

Conferees continued in evening session to resolve the differences between the Senate and House passed versions of S. 900/H.R. 10, bills to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers.

COMMITTEE MEETINGS FOR FRIDAY, OCTOBER 15, 1999

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Foreign Relations, to hold hearings on the nomination of Donald Stuart Hays, of Virginia, to be Representative to the United Nations for U.N. Management and Reform, with the rank of Ambassador; and the nomination of James B. Cunningham, of Pennsylvania, to be Deputy Representative to the United Nations, with the rank and status of Ambassador, 10:30 a.m., SD–419.

Committee on Governmental Affairs, Subcommittee on Oversight of Government Management, Restructuring and the District of Columbia, to hold hearings to examine quality management at the Federal level, 9 a.m., SD–628.

House

Committee on Ways and Means, Subcommittee on Health, to mark up the Medicare Balanced Budget Refinement Act, 9 a.m., 1100 Longworth.

Next Meeting of the SENATE
9:15 a.m., Friday, October 15

Senate Chamber

Program for Friday: Senate will vote on adoption of the conference report on H.R. 2684, VA-HUD Appropriations. Also, Senate will continue consideration of S. 1593, Bipartisan Campaign Reform Act, and any conference reports when available.

Next Meeting of the HOUSE OF REPRESENTATIVES
12:30 p.m., Monday, October 18

House Chamber

Program for Friday: The House is not in session.

Extensions of Remarks, as inserted in this issue

HOUSE

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